

(12)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No. 210/00102/2019

Dated this Wednesday, the 08th day of January, 2020

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Vireshkumar Rameshbhai Halpati,
 Aged 42 years and presently working as
 Lower Division Clerk in the Accounts Section,
 District Panchayat, Daman, Dholar,
 Moti Dhaman, Daman- 396 220.
 and Residing at House No. 328/1,
 Bharwad Faliya, Near Bharwad Faliya school,
 Moti Daman- 396 210.
 Union Territory of Daman & Diu. - **Applicant.**
 (By Advocate Shri Ramesh Ramamurthy)

VERSUS

1. Union of India, through the Administrator,
 Union Territory of Daman & Diu, Secretariat,
 Moti Daman- 396 220.

2. The Development Commissioner,
 Union Territory of Daman & Diu,
 Secretariat, Moti Daman- 396 220.

3. The Chief Executive Officer, District Panchayat, Daman,
 Union Territory of Daman & Diu,
 Secretariat, Moti Daman- 396 220.

4. The Secretary, Staff Selection Board, UT,
 Administration of Daman & Diu, Moti Daman,
 Daman- 396 220. - **Respondents.**

(By Advocate Shri V.S. Masurkar)

ORDER (oral)

Per: R.N. Singh, Member (J)

The applicant who has been working as
 Lower Division Clerk under the respondents
 has filed the present OA under Section 19 of
 the Administrative Tribunals Act, 1985
 seeking declaration to the effect that the
 applicant is entitled for being regularized
 to the post of LDC or the equivalent post in

the District Panchayat of Daman and Diu.

2. The learned counsel for the applicant submits that the applicant was appointed initially as Lower Division Clerk (LDC) on daily wages with effect from 10.10.2003 on being recommended by a duly constituted Departmental Screening Committee (DSC) by the District Panchayat of Daman and Diu and continues as such till date.

3. The learned counsel for the applicant further submits that the applicant was meeting all the eligibility conditions *vis-a-vis* the age, the educational and technical qualification for the post of LDC and after being duly recommended by the Departmental Screening Committee, he was appointed and the respondents are having the sanctioned post of LDC lying vacant and the applicant has made various representations including the one dated 09.01.2012 (Annex A-11) and 26.09.2017 (Annex A-13) to the respondents praying therein for regularization of his service as LDC under the respondents. However, till date no decision has been taken by the respondents.

4. In response to the notice of the Tribunal, reply has been filed by the

respondents and the respondents have opposed the claim of the applicant.

5. The learned counsel for the respondents submits that there are only two sanctioned posts in the grade of LDC under the respondents under District Panchayat of Daman and Diu and both such post^s are filled up by accommodating staff^s, declared as surplus. He further submits that the OA is also barred by limitation. However, it is not in dispute that the aforesaid representation^s of the applicant have not been decided by the Competent Authority.

6. The learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of with a direction to the respondents to consider the aforesaid pending representations of the applicant by passing a reasoned and speaking order thereon and to communicate the same to the applicant in a time-bound manner.

7. We are of the considered view that if such request of the applicant is accepted, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid facts and circumstances and without going into the

merit of the claim of the applicant, we dispose of the present OA with the directions to the respondents to consider the aforesaid pending representation of the applicant by passing a reasoned and speaking order as expeditiously as possible and in any case within eight weeks from the date of receipt of a certified copy of this order. Till then the respondents are directed to maintain the status quo qua the services of the applicant.

9. The OA is disposed of in view of the aforesaid terms.

10. However, in the facts and circumstances, no order as to costs.

(R.N. Singh)
Member(J)

(Dr. Bhagwan Sahai)
Member (A)

kmg*

JD
13/01/20