



**Central Administrative Tribunal
Principal Bench**

OA No. 2694/2014

New Delhi, this the 17th day of February, 2020

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

1. Nand Kishor S/o Late Sh. Chhidda Singh
Age 45 years
R/o 8/136, Khichari Pur Delhi – 91.
2. Surender Singh S/o Late Sh. Khayali Ram
Age 47 years
R/o L-I/1382, Gali No. 8, Sangam Vihar, New Delhi.
3. Anil Kumar S/o Late Sh. Sone Lal Mandal
Age 45 years
R/o D-2/98, Mahvir Enclave, Gali No. 5
Palam, New Delhi.

(Sub: Regularisation, Deptt. of Youth Affairs & Sports
Group 'C', Post Peon)

...Applicants

(By Advocate : Mr. U. Srivastava)

Versus

1. Union of India through
The Secretary
Ministry of Youth Affairs & Sports
Govt. of India, Shastri Bhawan, New Delhi.
2. Nehru Yuva Kendra Sangathan
Through the Director General, NYKS
Ministry of Youth Affairs & Sports, GOI
Scope Minar, Laxmi Nagar, New Delhi.
3. The Dy. Director Personnel
Through the Director General, NYKS
Ministry of Youth Affairs & Sports, GOI
Scope Minar, Laxmi Nagar, New Delhi.

...Respondents

(By Advocate : Mr. Rana Ranjit Singh, Mr. Vivek Kumar,
Ms. Akansha Singh and Mr. Keshav Chaturvedi)



ORDER (ORAL)

Mr. S.N. Terdal :

Heard Mr. U. Srivastava, counsel for applicants and Mr. Rana Ranjit Singh, counsel for respondents, perused the pleadings and all the documents.

2. The relief prayed in this OA are as follows :

- “(a) Directing the respondents to place the relevant records pertaining to the present O.A. before their Lordship for the proper adjudication in the matter, in the interest of justice.
- (b) Directing the respondents to consider and finalize the case of the applicants for regularization in their services with all other consequential benefits in terms of the directions issued by their lordships on 10.11.10 in TA No. 962/2009 upheld on 13.10.11 in RA No. 97/11 after declaring the actions of the respondents not to considering & finalization their cases of regularization despite processing time and again is as illegal, unjust, arbitrary, malafide, unconstitutional , against the principles on natural justice as well as contrary to the directions issued by their lordships in the T.A. No. 962/2009 itself.
- (c) Declaring the actions of the respondents to the extant instead of regularizing the applicants, holding the typing test against 02 posts of LDC and 20 posts of ACTs scheduled to be held on 09 and 10 August 2014 in terms of Recruitment Rules-2010 is as illegal, unjust, arbitrary, malafide, unconstitutional, against the settled principles of law, against the mandatory provisions of law as well as contrary to the directions issued by their lordships in the T.A. No. 962/2009 itself as well as by the Hon’ble Supreme Court of India in case of Y.V. Rangaiah Vs. Sreenivasa Rao (1983) 3 SCC 284 and to quash and set aside the same accordingly.
- (d) Allowing the O.A. of the applicants with costs.
- (e) Any other fit and proper relief may also be granted to the applicant.”



3. At the time of hearing, counsel for the applicants submitted that as per the Govt. of India, Ministry of Home Affairs, Department of Personnel & Administrative Reforms order dated 15.01.1981, those Group (D) employees who were below 35 years of age and made a genuine attempt to pass a typing test twice, they were exempted from the typing test for regularisation in the post of LDCs.

4. The counsel for the applicants further submitted that this OA may be disposed of with a permission to the applicants to submit a representation to the respondents to consider their regularization in view of the said order dated 15.01.1981.

4. In view of the same without going into the merits of the case, we permit the applicants to submit a comprehensive representation to the respondents within 15 days from the date of receipt of certified copy of this order. The respondents are directed to pass a reasoned and speaking order on the said representation within two months thereafter as per law.

5. Accordingly, the OA is disposed of. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(S.N. Terdal)
Member (J)

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