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Central Administrative Tribunal
Principal Bench

O.A. No. 1354 of 2001

New Delhi, dated this the 21st January, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHAKAR RAJU, MEMBER (J)

Shri Ashok Kardam,
S/o Shri Ram Swaroop,
R/o 5-A, Bhagal Road/Lane,
Jangpura,
New Delhi-110014. ... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. NCT of Delhi through
the Chief Secretary,
Old Secretariat,
Delhi.
2. The Director,
Directorate of Social Welfare,
Govt. of NCT of Delhi,
1, Canning Lane, K.G. Marg,
New Delhi.
3. The Joint Director(Admn.)
Director of Social Welfare,
Govt. of NCT of Delhi,
1,Canning Lane, K.G.Marg,
New Delhi.

(By Advocate: Ms. Neelam Singh)

ORDER (Oral)

S.R. ADIGE, VC (A)

Heard both sides.

2. We are satisfied that applicant's challenge to his reversion to his substantive post w.e.f. 1.1.1999 is fully covered by the Tribunal's order dated 14.5.2001 in O.A. No. 2245/2000 Anand Singh Vs. NCT of Delhi & Others and the Tribunal's order dated 15.11.2001 in O.A. No. 2348/2000 J.C. Bijania Vs. NCT of Delhi and others.

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3. Under the circumstances the O.A. succeeds and is allowed to the extent that the impugned order dated 23.10.2000 is quashed and set aside. Respondents ~~shall~~ ^{in the manner strictly} proceed ~~according to procedure~~ in accordance with law.

4. In the present O.A. applicant also claims regularisation on the post of Superintendent, CDPO to which applicant claims to be working since 21.10.87. Applicant contends that his junior has been regularised by order dated 26.3.1996 w.e.f. 18.3.1996 and on that date no charge sheet was pending against him, although alleged pending of the charge sheet, he contends, is the reason why he has not been regularised. In this connection reliance has been ^{placed} ~~relied~~ on the Hon'ble Supreme Court's judgment in Bank of India & Anr. Vs. Degala Suryanarayana 1999 (2) Vol. 29 SCSLJ 1.

5. Respondents should examine applicant's claim for regularisation as Superintendent, CDPO w.e.f. the date of his immediate junior so regularised and dispose of the same by mean of speaking and reasoned order in accordance with rules and instructions. While doing so Respondents should not lose sight of the aforesaid Hon'ble Supreme Court's judgment relied upon by Shri Sharma, to the extent the same is applicable in the facts and circumstances of the present case. This should be done within three months from the date of receipt of a copy of this order.

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6. The O.A. is disposed of accordingly. No costs.

S. Raju
(Shankar Raju)
Member (J)

Karthik

Adige
(S.R. Adige)
Vice Chairman (A)

for work for implementation of order