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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2101/2001

Tuesday, this the 21st August, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

1. Shri Brij Lal Belwal
S/O Shri Brahma Nand Belwal
R/O G-610, Sri Niwaspuri
New Delhi-65.
..serving with respondent No.3
2. Shri Raghu Kumar
S/O Shri Ram Saughar
R/O S-682, School Block
Shakar Pur, Delhi-92.
..serving with respondent No.3
3. Shri Singhasan Rai
S/O Sh. Satya Narayan
R/O Qr. No.635, Sector-2
R.K. Puram, New Delhi.
..serving with respondent No.3

..Applicants

(By Advocate: Shri Pradeep Kumar)

Versus

1. Union of India through
the Secretary
Ministry of Law, Justice & Company Affairs
Govt. of India, Shastri Bhavan
New Delhi.
2. The Regional Director (NR)
Department of Companies Affairs
10/499-B, Alleganj
Khalasi Line,
Kanpur-208002.
3. The Registrar of Companies
NCT Delhi & Haryana
Paryavaran Bhawan
B-Block, IIInd Floor,
CGO Complex, Lodhi Road
New Delhi-3.

..Respondents.

O.R.D.E.R (ORAL)

Heard the learned counsel.

2. The learned counsel submits that consequent upon this Tribunal's intervention in the matter, all the three applicants have been granted temporary status by the

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respondents w.e.f. 1st September, 1997 (Annexure A-1 collectively). As such, according to him, the applicants have become entitled to be considered for appointment against the posts ~~of~~ ^{& in} Group "D" ~~arising~~ arising under respondent No.3 in the States of Delhi and Haryana. Despite representations made, the respondents have failed to take any action in that regard, although ^{2 a 2} ~~1~~ vacancy in ~~a~~ ² group "D" post exists in the States of Delhi and Haryana. The letter dated 22.2.2001 (Annexure A-5 collectively) clearly shows that an attempt is being made to make appointment against ^{the aforesaid} ~~a~~ group "D" post by seeking nominations from the employment officer concerned. The learned counsel submits that in follow up of the aforesaid ~~letter~~ ^{2 letter} another letter has been issued to the employment exchange as late as on 18th July, 2001 again seeking nominations for appointment against the very same post for which nominations were invited by the aforesaid letter of 22nd February, 2001. Thus, the learned counsel submits, the respondents seem to have decided not to induct any of the applicants against the aforesaid vacancy. This action of the respondents, according to him, is not in order and is also not consistent with the provisions made in the scheme issued by the DOP&T on 10th September, 1993. According to the learned counsel, that scheme clearly provides that those enjoying temporary status are required to be considered for appointment against group "D" vacancies and accordingly the applicants are entitled to be considered even in respect of the aforesaid single vacancy. The representations filed by the applicants have not yielded any response so far. On the other hand, on being asked to do so, the applicants have already furnished their options

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for appointment against a group "D" posts at any place in India (Annexure A-2 collectively).

3. Upon consideration of the issues raised by the learned counsel and having regard to the facts and circumstances of the case together with the provisions made in the DOP&T's Scheme of 10th September, 1993, I am inclined to dispose of this OA at this very stage without issuing notices with a direction to the respondents to consider the claims of the applicants for appointment against the single vacancy notified by them as above as also against any other vacancy which might have arisen under their jurisdiction and to appoint all or any of them subject to their fulfilling the required conditions and qualifications. The respondents shall keep in mind the option given by the applicants that they were prepared to serve at any place in India. The aforesaid exercise will be completed by the respondents within a period of three months from the date of receipt of a copy of this order. The respondents are directed accordingly.

4. The OA is disposed of in the aforesated terms at the admission stage itself. No costs.

5. Registry is directed to send a copy of the OA to the respondents along with this order.



(S.A.T. RIZVI)
MEMBER (A)

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