

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application Nos. 220/2001

New Delhi, this the 25th January, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Ms. Arty Varshney Singhal
W/o Shri Mukund Shinghal,
R/o 57, 1st Floor, Gall No. 4,
Krishan Kunj Extension Part-I,
Delhi-92.

...Applicant

(By Advocate: Shri B.S. Mainoo)

Versus

1. Union of India Through
Lt. Governor, Government of NCT of Delhi,
Raj Niwas,
Delhi.
2. Secretary (Medical)
Govt. of NCT of Delhi,
Players Building,
ITO Building,
New Delhi.
3. Medical Superintendent,
Lok Nayak Hospital,
New Delhi.
4. Delhi Subordinate Services Selection Board
Through its Chairman,
UTCS Building,
Shahdara, Delhi.

...Respondents.

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this case is aggrieved of the order dated 30.12.2000 whereby his appointment is being cancelled.

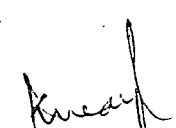
2. The facts in brief are that earlier also applicant had approached this Tribunal in OA 747/2000. The Tribunal had disposed of the said OA by directing the respondents that they should consider the replies of the applicant to show-cause notice dated 20.4.2000 and pass detailed and reasoned order thereon within a period of 3 months from the date of receipt of a copy of this order.

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In case of any adverse order passed against the applicant, the respondents are restrained to act upon the same for another month so that the applicant get a reasonable opportunity to approach the appropriate forum to redress his grievance. The respondents thereafter passed the impugned order dated 30.12.2000 whereby they have struck to the stand that the applicant is not qualified to hold the post of Tech. Assistant, as he was inadvertently appointed. However, a perusal of the order shows that the department has not clarified as to what are short comings of the applicant which renders him unqualified to hold the post of Lab. Technician. To that extent the order is a non-speaking one. In these circumstances, I find that the OA can be disposed of by directing the respondents to pass a detailed speaking order pointing out the short comings in the qualification which renders the applicant unfit to be allowed to continue on the post of Tech. Assistant. This may be done within a period of one month from the date of receipt of a copy of this order. The respondents shall not terminate the service of the applicant till one month from the date of passing of the detailed speaking order, pointing out the shortcomings in her eligibility qualification.

3. The O.A. is disposed of with the above directions at the admission stage itself.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh