

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2533/2001

(V)

This the 5th day of July, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Tikam Singh S/O Saudan Singh,
R/O H.No.223, Gali No.D-5,
Nand Nagri, Delhi.

... Applicant

(By Shri M.K.Bhardwaj, Advocate)

-versus-

1. Union of India through
General Secretary,
Sehkari Karya & Rozgar Ministry,
New Delhi.
2. Director,
Nagar & Gram Niyojan Sangathan,
E-Block, Vikas Bhawan,
IP Estate, New Delhi.
3. Administrative Officer,
Nagar & Gram Niyojan Sangathan,
E-Block, Vikas Bhawan,
IP Estate, New Delhi.

... Respondents

(By Shri Rajeev Bansal for Shri B.K.Aggarwal, Advocate)

O R D E R (ORAL)

Applicant is aggrieved by respondents' order dated 12.6.2001 (Annexure A-1) vide which they have rejected applicant's representation dated 4.10.1999. He is further aggrieved by the act of respondents in rejecting his claim for grant of temporary status from the date of completion of 206 days.

2. Applicant had filed OA No.556/1999 which was decided by this Tribunal on 5.8.1999. Therein it was observed as follows :

"A perusal of the respondents' reply to para 4.10 and 4.11 of the O.A. reveals that

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applicant has already been offered a regular Group "D" post of Chowkidar.

Respondents are directed to act in accordance with the aforesaid offer and thereafter in the event applicant represents for absorption as a Peon consider the same in accordance with the rules and instructions on the subject. Meanwhile in the event that applicant has completed the required period of service as provided in DOPT O.M. dated 10.9.93 and fulfils other eligibility conditions, Respondents should also consider applicant's prayer for grant of temporary status."

2. As applicant's representation was not decided by respondents, he moved OA No.1020/2000 which was disposed of by order dated 14.2.2001 as follows :

"Hence, I dispose of this OA with the directions to the respondents to pass a speaking order on the representation to be made by the applicant for this purpose. OA be treated as representation and respondents should pass a speaking order within a period of two months from the date of receipt of this order."

3. Through Annexure A-1 dated 12.6.2001 respondents have stated that applicant's representation dated 4.10.1999 had already been considered vide Annexure R-1 dated 24/26.11.1999 and he was informed that he had already been appointed on the post of Chowkidar (Group "D") and that whenever a post of Peon grade would fall vacant against transfer quota, his name would also be considered along with other Group "D" officials, provided that he fulfilled all qualifications in terms of recruitment rules. Respondents have further stated that they upheld the same view as was held by them in their earlier memorandum of 24/26.11.1999. Respondents have also rejected applicant's request for grant of temporary status.

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4. The learned counsel of applicant contended that respondents have rejected applicant's representation once again without giving any reasons and as such, he has been compelled to approach the Tribunal through this OA.

5. Vide order dated 14.2.2001 in OA No.1020/2000 this Tribunal had directed respondents to pass a speaking order on the representation of applicant. They have disposed of applicant's representation dated 4.10.1999 vide Annexure A-1 dated 12.6.2001. I find that Annexure A-1 is not at all a speaking order. Respondents have mechanically upheld the same view as was held by them in their memorandum of 24/26.11.1999 and rejected applicant's representation dated 4.10.1999.

6. In this view of the matter, Annexure A-1 dated 12.6.2001 is quashed and set aside and respondents are again directed to pass a detailed and speaking order on applicant's representation dated 4.10.1999 within a period of one month from the date of receipt of this order, failing which a serious view would be taken as per law.

7. The OA is disposed of in the above terms. No costs.

V. K. Majotra
(V. K. Majotra)
Member (A)

/as/