

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 2845/2001

New Delhi, this the 17th day of October, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Shri Tara Dutt  
S/o Shri Kamlapati  
R/o Qtr.No.195 Type II  
E.S.I.Colony, Sector 56  
Noida (U.P.)

... Applicant

(By Advocate Shri U.Srivastava)

V E R S U S

Union of India through

1. The Secretary  
Ministry of Labour, Sharm Shakti Bhawan  
Rafi Ahmad Kidwai Marg  
New Delhi.
2. The Director General  
E.S. I. Head Qtrs.  
Panchdeep Bhawan, Kotla Road  
New Delhi.
3. The Jt. Director (Recdt)  
E.S.I.Head Qtrs.  
Panchdeep Bhawan, Kotla Road  
New Delhi.

... Respondents

ORDER (ORAL)

Justice Ashok Agarwal:-

In a Limited Departmental Competitive Examination held in respect of Group 'D' employees for promotion to the post of L.D.C. on 27.5.2001, applicant has been shown a successful candidate. In the Office Order No.13 of 2001 of 24.8.2001 at Annexure A/3, he has been arrayed at Sl.No.7 in the list of successful candidates. However, by a later Office Order No.14 of 2001 of 30.8.2001 at Annexure A/2, name of the applicant was deleted from the list of successful candidates and names of certain other candidates have been arrayed as successful candidates. Applicant, in the circumstances,

has submitted his representation on 31.8.2001 at Annexure A/5 against the deletion of his name from the list of successful candidates. He followed the same by instituting OA No.2299/2001 which was disposed of by an order passed on 5.9.2001 with a direction to the respondents to give their decision on the aforesaid representation expeditiously and within a period of four weeks from the date of service of the order. By the impugned order passed on 21.9.2001 at Annexure A/1, following decision has been communicated to the applicant:-

"Shri Tara Dutt had appeared in the Departmental test for promotion to the post of LDC held on 27.5.2001 under Roll No.18C-145. The results of the test were finalised, approved by the Director General and were communicated to the concerned Appointing Authorities vide Office Order No.13 of 2001 dated 24.8.2001, in which the name of Sh.Tara Dutt figured at Sl.no.7. However, immediately after issue of this Office Order, it was noticed that a bonafide mistake had occurred in finalising the results. The Appointing Authorities were immediately requested to keep the issue of promotion orders in abeyance till further orders.


The mistake in finalising the results was rectified and the revised results were approved by the Director General on 30.8.2001. On the same date, revised results were communicated to the Appointing Authorities vide Office Order no.14 of 2001 dated 30.8.2001, in supersession of Office Order No.13 of 2001 dated 24.8.2001."

Aforesaid order, we find does not give details as to the nature of bonafide mistake that has occurred in including the name of the applicant in the list of successful candidates at Annexure A/3. The order, though gives a decision as directed, is not a speaking and reasoned

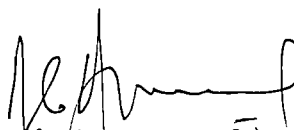


order. In the circumstances, we find that the interests of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices with a direction to the respondents to pass a further order giving details as to the circumstances under which the name of the applicant is claimed to have been erroneously included in the list of successful candidates and the manner in which the said mistake was ~~deducted~~ <sup>defected</sup> and the steps which were necessitated to correct the mistake. The order should further indicate how names of 7 fresh candidates who did not figure in the earlier list of successful candidates at Annexure A/3 have been included in the list at Annexure A/2. This be done within a period of one month from the date of service of a copy of this order. We direct accordingly.

2. Present OA, in the circumstances, is disposed of in the aforestated terms with liberty.

  
(S.A.T. Rizvi)  
Member (A)

/sns/

  
(Ashok Agarwal)  
Chairman