

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1077 of 1995

(20)

New Delhi, dated this the 3rd June, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

shri Prem Kumar,
S/o Shri Daya Nand Ram,
R/o C-3/443, Nand Nagri,
New Delhi-110093. ... APPLICANT

By Advocate: Shri M.L.Chawla with
Shri S.L.Lakhanpal

VERSUS

1. Union of India through
the Secretary,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi.
2. Member Secretary,
National Commission for Women,
Deendayal Upadhyaya Marg,
New Delhi-110001.
3. Director,
Administration,
Dept. of Women & Child Dev.,
General Section,
Shastri Bhawan,
New Delhi. .. RESPONDENTS

By Advocate: None for R-1 & 3
Shri M.M.Sudan for R-2

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant impugns the order dated 22.5.95 issued by National Commission for Women (NCW) withdrawing the grant of temporary status to him.

2. Applicant was appointed as Casual Labourer in Ministry of H.R.D. in April, 1992 and continued to be in service with that Ministry till 30.9.92. It appears that by letter dated 22.9.92 from the H.R.D.

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Ministry addressed to the Member Secretary, National Commission for Women, the services of the applicant were placed with the NCW, as there was no provision in the Ministry of HRD for continuation of his appointment. It appears that by the impugned order dated 22.5.95 the temporary status granted to the applicant vide earlier order dated 7.3.95 was withdrawn.

3. We have heard applicant's counsel Shri M.L.Chawla along with Shri S.L.Lakhanpal and respondents' counsel Shri M.M.Sudan who appeared for R-2 (NCW). None appeared for R-1 & 3 despite service of notice upon them and various opportunities given to them to appear.

4. Shri Sudan has raised the issue of jurisdiction and has pointed out that the NCW which is a statutory body has not been notified under Section 14(2) A.T. Act and hence does not fall within the Tribunal's jurisdiction. Shri Chawla emphasised that the NCW is still under the administrative control of R-1 and 3 and in fact the impugned order 22.3.95 and the earlier order dated 7.3.95 signed by the Dy. Secretary happened to be the same officer who filed the counter affidavit on behalf of R-2 (NCW)..

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5. We dispose of this O.A. with a direction to the Respondent No. 3 to examine the circumstances under which the temporary status granted to the applicant by order dated 7.3.95 allegedly without issuing any show cause notice was suddenly withdrawn. In this connection R-2 in their reply have stated (Para 4.7 of their reply) that the temporary status was withdrawn owing to certain complaints of theft and misconduct by the applicant. This has been denied by the applicant in his rejoinder.

6. Be that as it may, whether under the circumstance the temporary status granted to the applicant, should have been withdrawn or not, is something we call upon Respondent No.3 to examine, and thereafter ^{he} ~~they~~ should arrange to advise R-2 suitably in the matter as expeditiously as possible and preferably within two months from the date of receipt of a copy of this order.

7. This O.A. stands disposed of accordingly. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
Member (J)
/GK/

S.R. Adige
(S.R. ADIGE)
Member (A)