

Central Administrative Tribunal, Principal Bench

Original Application No. 383 of 1996

New Delhi, this the 10th day of November, 1999

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. R.K. Ahooja, Member (A)

Smt. P.K. Sandhu,  
W/o Shri M.K. Sandhu,  
R/o 205, Rouse Avenue,  
Din Dayal Upadhyaya Marg,  
New Delhi.

.... Applicant

(None for the applicant)

Versus

1. Union of India through  
Secy.  
Department of Personnel & Training,  
Ministry of Personnel,  
Public Grievances & Pensions,  
North Block,  
New Delhi.

.... Respondent

(By Advocate Shri V.S.R. Krishna)

O R D E R (Oral)

JUSTICE ASHOK AGARWAL :-

Applicant as also her Advocate are absent when the present O.A. is called out for hearing and final disposal. We have heard Shri V.S.R. Krishna, learned counsel appearing on behalf of the respondent. Having regard to the submissions advanced, we proceed to pass the following order.

Applicant, a Member of the Punjab Civil Services, was appointed to the Indian Administrative Service vide Government of India Notification No. 14015/8/94-AIS(I) dated 6.2.1995 in the I.A.S., Punjab Cadre. While serving as a Member of the State Civil Service of Punjab, she was recruited and appointed as Under Secretary in the Lok Sabha Secretariat as a direct recruit with effect from 30.12.1988. She joined the

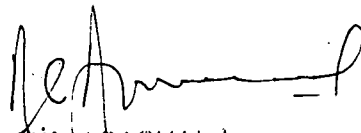
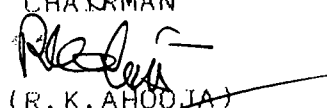
post on the same day and was on probation in that post for a period of one year i.e. till 31.12.1989. She successfully completed her period of probation and thereafter continued as a regular employee of the Lok Sabha Secretariat and accordingly she does not hold a lien in the State Civil Service. By notification dated 27.3.1991, she was promoted as Deputy Secretary in the Lok Sabha Secretariat with effect from 26.12.1991 under the rules of the Lok Sabha Secretariat governing promotions.

Appointment of the applicant in the Lok Sabha Secretariat, it appears, was questioned. This led her to file a writ petition in the Delhi High Court being Writ Petition No.1627/95 wherein she has made the aforesaid averments on oath. Appointment of the applicant in Lok Sabha Secretariat, it appears, has also been impugned by the Lok Sabha Secretariat Employees by filing in the Delhi High Court Civil Writ Petition No.358/91. As far as the present O.A. is concerned, applicant has apparently resiled from the aforesaid averments and has sought to contend that she continued to hold a lien in the State Civil Service of Punjab.

In our view, if one has regard to the aforesaid submissions which have been made on oath in Writ Petition No.1627/95, it will not be open to her to contend to the contrary in the the present O.A. In the circumstances, we dispose of the present O.A. as being devoid of merit with a rider that in case Writ Petition No.1627/95 and/or Civil Writ Petition No.358/91 goes

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adverse to her, she will be at liberty, if so advised,  
to either file a fresh O.A. or apply for revival of the  
present O.A. There will, however, be no order as to  
costs.

  
(ASHOK AGARWAL)  
CHAIRMAN  
  
(R.K. AHOOJA)  
MEMBER (A)

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