

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1095/96

New Delhi this the 9th day of May, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Sajjad Khan,
R/o D-301, Pragati Vihar
Hostel, Lodhi Road,
New Delhi-3.

.... Applicant

(through Sh. H.K. Gangwani, advocate)

versus

1. Union of India through
Secretary to the Government
of India, Ministry of Defence,
New Delhi.
2. Chief Administrative Officer and
J.S.(T), Ministry of Defence,
C.II Hutments, New Delhi-11. Respondents

(through Sh. Madhav Panikar, advocate)

ORDER(ORAL)

delivered by Hon'ble Dr. Jose P. Verghese, V.C.(J)

The applicant in this case is seeking the benefit of the judgement of this Tribunal passed in OA-1495/91 dated 14.11.92. This Tribunal in the said judgement had directed the applicant therein Sh. Rahul Singh to be regularised from 1.10.1984 and treat him as regular CSO with effect from 1.10.88. According to the applicant this has been done after considering his ad hoc service as regular. The applicant was aggrieved by the action of the respondents in not giving the similar benefit to him as well when the respondents proceeded to implement the said judgement. The direction of the Tribunal contained in the said judgement was implemented in September, 1995 and there again no benefit was given to the applicant, whereupon the applicant made a representation and the same was rejected by an order datedd 15.3.96 (Annexure-5).

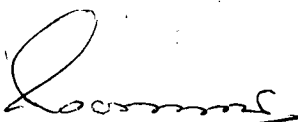
Aggrieved by the said order of rejection of his representation, he comes to this Tribunal seeking the similar benefit as that of Sh. Rahul Singh for himself on an additional ground that similar relief has been given ^{to} one Sh. Chandra Sekhar.


When this matter came up before this Tribunal on 11.4.97, the Tribunal considered the submission of the respondents who stated that in view of a subsequent decision in M.G. Bansal's case (TA-356/85(CW 3/78)) decided on 20.11.1992, the respondents have now decided to review the whole case once again and hold a review DPC for the year 1988-89. We, therefore, suggested on 11.4.97 that the respondents may consider the case of the applicant as well while holding a review D.P.C. for the year 1988-89. During the hearing today, the learned counsel for the respondents have produced before us an intimation from the respondents dated 5.5.97 wherein it is stated that the review DPC as stated in our order dated 11.4.97 is being held for the year 1988-89 in the grade of CSO under the aegis of UPSC and the DPC has been scheduled to be held on 10/11.6.97. In the said eligibility list, the applicant is shown at Serial No.3, Sh. Rahul Singh at Serial No.2 and Sh. Chandra Sekhar at Serial No.1. It was stated that Sh. Chandra Sekhar was senior to Sh. Rahul Singh and for this eligibility list this order is not objected to by the applicant. It was also stated that it is this eligibility list now being presented to UPSC for

consideration at the time of their meeting for holding a review DPC for the year 1988-89 in the grade of CSO on 10/11.6.1997.

The learned counsel for the applicant also had sought a relief of considering his ad hoc service as regular and regularise the same before the DPC convenes for the purpose of promotion to the post of CSO. We do not know if that has been done in the case of Sh. Rahul Singh and Sh. Chandra Sekhar. On the other hand, we see from the reviewed select list now being proposed as eligibility list wherein Sh. Chandra Sekhar and Sh. Rahul Singh and the applicant have been shown as No.1, 2 and 3 and it is not the case of the applicant that the applicant is in any case senior to Sh. Chandra Sekhar as well as Sh. Rahul Singh. In view of this matter, in case the ad hoc services have been regularised with respect to Sh. Rahul Singh Sh. Chandra Sekhar and in the event that is absolutely necessary to consider the applicant's case during the review DPC in the grade of CSO for the year 1988-89, the regularisation of the ad hoc service in the case of the applicant also may be considered before the UPSC convenes the meeting for the review DPC.

In view of the above terms, the impugned order dated 15.3.96 does not survive and with the aforesaid directions/observations, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

/vv/