

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2376/97

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New Delhi this the 7th day of August, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.A.T. Rizvi, Member (A)

Krishan Kumar Marwah,
S/O Sh. Pyare Lal
R/O A-247, Shiv Nagar,
New Delhi.

.. Applicant

(By Advocate Sh. U. Srivastava)

Versus

1. National Capital Territory of Delhi
through the Secretary,
Delhi Administration, Old Sectt.,
Delhi-54

2. Director of Education,
Delhi Administration, Delhi-54

.. Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This case was listed at Serial No. 7 in today's regular hearing cause list and learned counsel for the respondents should have also been present. However, as none is present, we have perused the records and heard Shri U. Srivastava, learned counsel.

2. The grievance of the applicant in this case is that the respondents have not considered his claim for grant of selection grade. He has referred to the impugned 'rejection' letter dated 5.6.97 (Annexure A.1). On perusal of the impugned rejection letter, it is seen that all they have stated in this order is that, the applicant's

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case was sent to Headquarters, who have informed the Education Officer who has dispatched this letter to the Principal, GBSSS-I, C-Block, Janakpuri, New Delhi that the applicant's representation for grant of selection grade has been rejected. Learned counsel has drawn our attention to the letter dated 16.11.94. In this order, it is noticed that the respondents have themselves stated that on conclusion of the Court case which was pending against the applicant in his favour, they were to consider granting selection grade to the applicant by the competent authority. No reasons whatsoever have been given in the rejection letter. We have also seen the counter reply filed by the respondents on 15.4.98 and we do not see any sufficient reasons, ^{which is} ~~is any~~, prompted the competent authority to reject the claim of the applicant for grant of selection grade ^{they is} as ~~is~~ not disclosed either in ^{the is} Annexure A-1 letter or in the reply filed by the respondents. On the other hand, in the rejoinder, the applicant has stated that he was senior to one Shri Jai Singh who has been granted selection grade while ignoring his claim. In fact it can be stated that Annexure A-1 letter is a sphinx ^{like is} order which cannot be accepted in the eyes of Law.

3. In the above facts and circumstances of the case, the OA is disposed of with a direction to Respondent 2 to consider the applicant's claim for grant of selection grade,

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subject to his eligibility, in accordance with the relevant Rules and instructions. This shall be done within two months from the date of receipt of a copy of this order with intimation to the applicant. The respondents are also directed to pass a detail, speaking and reasoned order, annexing ^{the} relevant Rules and documents in case the claim is rejected. In case the applicant is found fit, he shall be entitled to all consequential benefits in accordance with law.

No order as to costs.



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



(Smt. Lakshmi Swaminathan)
Member (J)