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Central Administrative Tribunal
Principal Bench

O.A. 2687/97

New Delhi this the 23rd day of Aug, 99

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri N. Sahu, Member(A).

Tara Chand,
S/o Shri Nanak Chand,
R/o Village - Khajoori,
Delhi-110 094 ... Applicant.

By Advocate Shri D.S. Choudhary.

Versus

1. Govt. of NCT of Delhi
through Secretary (Services),
5, Sham Nath Marg,
Delhi-110 054.
2. The Director,
Directorate of Education,
Old Secretariat,
Delhi-110 054.
3. Shri Ram Niwas, peon,
Directorate of Education,
Distt. North-East ... Respondents.
(Service to be effected through
Respondent No.2).

By Advocate Shri Rajinder Pandita.

O R D E R (ORAL)

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

We have heard both the learned counsel and perused the pleadings in O.A. The learned counsel for the applicant has drawn my attention to Annexure A-4 letter dated 23.7.1997 in which the applicant's name has been shown at Serial No. 16 and Respondent No. 3, Shri Ram Niwas, peon, at Serial No. 17. This letter states that it is proposed to forward the final eligibility list of Group 'D' employees of various departments

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of Govt. of NCT, Delhi for promotion to the post of Laboratory Assistant under the Directorate which has been prepared after reviewing the tentative eligibility list dated 14.8.1995 and also the PE list dated 20.9.1996. By the impugned order dated 30.9.1997, the DPC has promoted Respondent No. 3 to the post of Laboratory Assistant on purely temporary and ad hoc basis subject to the final decision of SLP No. 1611/88, pending before the Hon'ble Supreme Court and subject to fulfilment of certain conditions mentioned in the order.

2. The respondents in their reply have stated that the applicant, along with other candidates, had been called for verification of their documents in Establishment-IV Branch of the Directorate of Education whose names were in the promotion lists/Order No. 15 dated 30.9.1997 for the post of Laboratory Assistant. According to them, the applicant did not come for the verification of the documents physically and due to this reason his name was not considered for promotion to the post of Laboratory Assistant and he was accordingly informed. Learned counsel for the applicant has vehemently denied this fact which has also been stated in the rejoinder filed by the applicant. He has submitted that the respondents never called the applicant for verification of the documents in Establishment-IV Branch of the Directorate of Education and, therefore, there was no question of his being present there.


3. The above is a question of fact. The respondents have not filed any document to show that they had, in fact, called the applicant to be physically present to verify the concerned documents in Establishment-IV Branch of the Directorate of Education. Shri D.S. Choudhary, learned counsel, has submitted that the respondents may be called upon to verify their ^{records} ~~documents~~ to show that the applicant had, in fact, been called upon for verification of the documents and he will be


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satisfied if the O.A. is disposed of in this background.

4. In view of the above facts and circumstances, the O.A. succeeds and is disposed of as follows:

The respondents are directed to verify their records to ensure that they had called the applicant and the notice was served on the applicant. In any case, if this has not been done, as we find the applicant has been shown senior to Respondent No. 3, the respondents are directed to give another opportunity to the applicant within one month from the date of receipt of a copy of this order. The documents may be got physically verified by the applicant on a date to be intimated by them to him. Thereafter, they may take appropriate decision/^{immediately} in the matter of ad hoc promotion to the post of Laboratory Assistant in the scale of Rs.1200-2040 in accordance with law and rules and subject to the decision of Hon'ble Supreme Court in SLP 1611/88. No order as to costs.


(N. Sahu)
Member (A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'