

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 993/97

New Delhi, this the 26th day of March, 1998

Hon'ble Shri T. N. Bhat, Member (J)
Hon'ble Shri S. P. Biswas, Member (A)

(8)

Swaranjit Singh s/o Budh Singh,
Assistant Officer (MICE),
Videsh Sanchar Nigam Limited,
Bangla Sahib Road,
New Delhi.Applicant

(By Advocate: Shri B.S.Mainee)

Versus

Union of India through

1. The Chief Engineer,
PWD Zone-II,
Govt. of NCT of Delhi,
12th Floor, MSO Building,
New Delhi.
2. The Executive Engineer (Elect.),
PWD Elect. Divn. No. IV
Govt. of NCT of Delhi,
12th Floor, MSO Building,
New Delhi.
3. The Dy. General manager (O),
Videsh Sanchar Nigam Ltd.,
NIC Building, Parliament Street,
New Delhi.
4. The Executive Engineer (Elect.),
PWD Elect. Divn. No.I,
Govt. of NCT of Delhi,
Sunlight Insurance Bldg.,
New Delhi.Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)

Hon'ble Shri T.N.Bhat, Member (J)

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The applicant in this case is aggrieved by the inaction on the part of the respondents, more particularly respondent no. 4, in the matter of issuing a certificate relating to the period for which the applicant had served under the said respondent between 12.5.1971 and 16.5.1972. While the service of applicant for the aforesaid period has been verified by respondent no. 4 vide letter dated 6.6.1973, as an Annexure A-7,

the certificate, that the applicant has taken up the new job with respondent no. 3 after seeking requisite permission from respondent no. 4 has not been issued despite the fact that the applicant had made repeated representations. Not only that, even respondents No. 1, 2 & 3 had by their letters requested respondent no. 4 to issue the requisite certificate but there was no response from the respondent no. 4. The applicant has annexed to the OA the copy of letter dated 25.11.1971, as at Annexure A-2, a perusal of which shows that respondent no. 4 had granted 'No Objection Certificate' for the registration of the applicant's name with the employment exchange for applying for a higher post. However, the condition was that the fact of registration with the employment exchange shall be communicated to the Head of the Office in which the employee was working at that time.

(9)

2. It appears that instead of replying to the representations of the applicant, respondent no. 4 insisted upon the ^{production of} original document of which annexure A-2 is a copy. The applicant states that he is not in a position to furnish the original copy of the document, as that document must be in the possession of respondent no. 4.

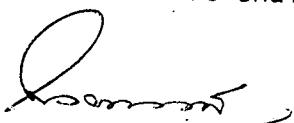
3. We notice that Shri Vijay Pandita has filed his memo of appearance on behalf of all the official respondents, but today he states that he is only representing respondents No. 1 & 2 and not respondent

Vijay

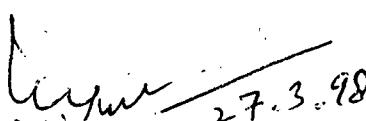
no.4. We further find that service of notice on respondent no. 4 in this case is presumed as the notice to him was sent by registered post on 7.5.1997. Nobody having appeared on behalf of respondent no. 4, the said respondent is hereby set ex parte. (10)

4. From the documents on record it is established that the applicant had validly sought permission from respondent no. 4 to seek a higher job elsewhere and he was specifically permitted to register himself with the employment exchange. We are also convinced that it was only for this reason that the respondent no. 4 had verified the service of the applicant by the document dated 6.4.1973, as at annexure A-7. We, therefore, find no ground why the applicant should suffer on account of non-furnishing of the certificate by respondent no. 4.

5. In the event, this OA is allowed and respondent no. 4 is hereby directed to issue certificate on the basis of the copy as at Annexure A-2 so that the services rendered by the applicant with respondent no. 4 can be reckoned for the purpose of fixation of his pension, gratuity and other retiral benefits. This order shall be implemented by respondent no. 4 within a period of two months from the date of receipt of a copy of this order. There shall be no order as to cost.


(S.P. Biswas)
Member (A)

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(T.N. Bhat)
Member (J)
27.3.98