

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2599/2000

New Delhi this the 3rd day of September, 2001

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S.Tampi, Member (A)

Kolla Dasaiah
S/O late Pitchiah
Native of Akumanu Appapuram,
Bapatla Tlq,Prakasam Dt.A.P
Clerk, Office of the Consulate
General of India 150,North
Michigan Avenue Chicago IIIinois

.. Applicant

(None for the applicant)

VERSUS

1. The Consul General,
O/O Consulate General of India,
Ministry of External Affairs,
New Delhi.
2. The Consul General,
Consulate General of India Office,
150 North Michigan Avenue
Chicago, IIIinois-60601, U.S.A.

.. Respondents

(By proxy counsel Sh.M.K.Bhardwaj)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

None has appeared for the applicant even on the second call. We note that the applicant was also absent on the previous date, that is 16.8.2001 when it was clearly mentioned that if the applicant is not present on the next date either in person or through his counsel, the matter would be proceeded under Rule 16 of the Central Administrative Tribunal(Procedure) Rules, 1987. Accordingly we have perused the pleadings on record and heard the proxy counsel for the respondents.

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2. The main relief prayed for by the applicant in the OA is with regard to the facts mentioned by him in Para 6, that the respondents should be directed to fix the pay and allowance considering his date of appointment i.e. 3.11.1986 with consequential benefits following his regularisation.

3. The applicant states that he was appointed as Junior Clerk on 3.11.1986 in the Office of respondent No.2 -Consul General, Consulate General of India Office, Chicago, Illinois, U.S.A. He has stated that respondent No.2 had regularised four temporary Clerks by order dated 29.4.94 while the applicant was appointed in 1986, whereas the other three were appointed in the year 1990 and 1991. He has also submitted that he had been absorbed against the post vacated by one, Shri G.G. Prakash, as Junior Clerk w.e.f. 1.9.95 by order dated 31.12.1996. It is relevant to note from the reply filed by the respondents that they have stated that from 7.9.1999, the applicant has not attended his duty till date i.e. from the date of filing of the reply which was filed on 9.4.2001. The respondents have also stated that the services of the applicant have been regularised by Ministry's order dated 20.4.1999 w.e.f. 6.7.1989 and not from September, 1995 as mentioned by the applicant.

4. From the annexures to the reply filed by the respondents, we note that respondent No.1 Govt. of India had issued order dated 19.4.1996 to which Corrigendum dated 20.4.1999 has been issued. From these orders, it is noticed, inter alia, that out of 135 posts of local staff which was created in Consular Sections of Indian

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Missions/posts abroad, 7 posts were sanctioned for the Consulate General of India, Chicago, USA. By Corrigendum issued on 20.4.1999, it has been clarified that 135 posts for 31 Missions/Posts w.e.f. 6.7.1989/1.9.1991 (i.e. tourism promotion posts from 6.7.89 and other posts from 1.9.91). Shri M.K.Bhardwaj, learned proxy counsel has submitted that against one of these posts the applicant has been regularised w.e.f. 6.7.1989 and also paid the consequential benefits.

5. In spite of several opportunities having been granted to the applicant, he has not even cared to file any rejoinder to rebut the averments made by the respondents in their reply. In the facts and circumstances of the case, learned counsel for the respondents has submitted that the OA has become infructuous as necessary regularisation orders have already been passed on 20.4.1999 and perhaps that is the reason that the applicant was either aware of or deliberately trying to mis-represent the OA.

6. After careful consideration of the pleadings on record and the submissions made by the learned proxy counsel for the respondents, we find no merit in this application. Necessary orders with regard to the regularisation of the applicant w.e.f. 6.7.1989 have already been passed by the respondents way back in April, 1999 by Corrigendum dated 20.4.1999. This OA has been filed by the applicant on 12.12.2000 but no reference has been made to these orders. As nothing has

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been placed on record to controvert the averments made by the respondents to support the applicant's claims with regard to his regularisation from the date of his appointment on 3.11.1986, we find no justification to interfere in the matter. The OA is devoid of merits and is accordingly dismissed. No order as to costs.

(Govindan S.Tampli)
Member (A)

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Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)