

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.150/2021



This the 22th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Pawan Kumar Yadav
Aged about 26 years
Group 'C'
S/o Shri Ramesh Kumar
R/o Village:- Nawa Ki Dhani,
PO:- Rajgarh
Distt. & Teh. Bhiwani, Haryana. ... Applicant

(through Shri Sourabh Ahuja, Advocate)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block, New Delhi-01.
2. Director
Intelligence Bureau
35 SP Marg, I.B. Headquarters
New Delhi-21.
3. Section Officer (G-I)
Intelligence Bureau
35 SP Marg, I.B. Headquarters
New Delhi-21.
4. Staff Selection Commission
Through its Chairman
Block No.12, CGO Complex
Lodhi Road, New Delhi – 110 003.
5. The Regional Director (NR)
Govt. of India

Department of Personnel & Training
 Staff Selection Commission
 Block No.12, CGO Complex
 Lodhi Road, New Delhi – 110 003. ... Respondents

(through Shri Y. P. Singh)

ORDER (Oral)



Hon'ble Mr. R.N. Singh, Member (A):

In the present OA, the applicant has challenged inaction at the end of the respondents whereby the respondents have not allowed the applicant to join duties as Junior Secretariat Assistant (JSA) in the Intelligence Bureau (IB) in spite of the fact that the applicant has qualified in the relevant selection process initiated by the Staff Selection Commission (SSC) way back on 20.12.2019. Learned counsel for the applicant submits that the applicant is not being allowed to resume the duties on the said post on the ground that verification of bachelor's degree of the applicant has not been done. He argues that though the applicant has claimed that he is graduate, however, essential qualification for the post under reference is only 12th class passed and his qualification of 12th class passed is not in dispute. In the aforesaid facts and circumstances, the applicant has prayed for the following reliefs :-

- “a. Declare and hold that the action of the respondents in delaying the appointment/joining of the applicant

as Junior Secretariat Assistant in Intelligence Bureau is illegal, arbitrary and whimsical. And



- b. Direct the Respondents to issue appointment order to the applicant to the post of Junior Secretariat Assistant in Intelligence Bureau forthwith and allow him to join his duties and further accord him all the consequential benefits viz. seniority, promotion, fixation of pay along-with his batch-mates, back wages/pay and allowances 9 (w.e.f. August, 2020 till his joining) etc. And
- c. Award cost in favor of the Applicant and against the respondents. And/or
- d. Pass any further order, which this Hon'ble Tribunal may deem fit, just equitable in the facts and circumstances of the case”

2. Learned counsel for the applicant further argues that the claim of the applicant is covered by the Order/Judgment dated 08.09.2020 of this Tribunal in OA No.3509/2019 (Annexure A-8). He further adds that for redressal of his grievances, the applicant has preferred a representation dated 23.12.2020 (Annexure A-1).

3. Issue notice. Shri Y. P. Singh, learned counsel for respondents, who appears on advance service, accepts notice.

4. At this stage, Shri Ahuja, learned counsel for the applicant submits that the applicant shall be satisfied, if the present OA is disposed of at this very stage with liberty to the applicant to make a further comprehensive representation within ten days from today and on receipt of

such representation, the respondents may be directed to consider and dispose of the same in a time bound manner.

5. To such request of the learned counsel for the applicant, there is no objection from the learned counsel for the respondents.



6. In view of the aforesaid, without going into the merit of the claim of the applicant, the present OA is disposed of with liberty to the applicant to prefer a comprehensive representation before the respondents within ten days from today and if such representation is received by the respondents, the respondents are directed to consider and dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within six weeks.

7. The OA is disposed of in the aforesaid terms. No costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
Member (J)

ravi/Jugal/uma