

CENTRAL ADMINISTRATIVE TRIBUNAL**PATNA BENCH, PATNA**

OA/050/00480/2020 & MA 232/2020

Date of Order :30.12.2020

C O R A M**HON'BLE MR. SWARUP KUMAR MISHRA,..... JUDICIAL MEMBER**

1. Satya Prakash Tiwary, aged about 38 years, male, S/O Sri Prem Prakash Tiwari, posted as Joint Director/Scientist D, R/O 1/578, Vikas Nagar, Lucknow, U.P.-226022.
2. Indu Kumari, aged about 32 years, female, D/o Shri Jageshwar Sahu, Posted as Assistant Director (Sc B), R/O Village-Laxmipur, P.O.-Dhabahi, Via-Narhiya-847108, District-Madhubani.
3. Sunil Kumar, aged about 32 years, male, S/O Late Ramashish Choudhary, Posted as Assistant Director (Scientist B), R/O House No. 217, Astha Colony, Prem Nagar Road No. 4, Singh More, Hatia Ranchi-834003, Jharkhand.
4. Vinay Kumar, aged about 34 years, male, S/o Binda Singh, posted as Technical Assistant, R/O Village-Narayanpur, P.O.-Arap, P.S.-Bikram, District- Patna-801104.
5. Babita Kumari, aged about 30 years, female, D/o Arun Kumar Sinha, posted as Junior Technical Assistant, R/O House No. A/16, Azadpath, Saristabad, Gardanibagh, Patna-1.

..... Applicants.

- By Advocate : Ms Vagisha Pragya Vacaknavi.

-Versus-

1. The Union of India through the Secretary, Ministry of Electronics & Information Technology, Sanchar Bhawan, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi-11003.
2. The Director General, National Institute of Electronics and Information Technology (NIELIT) Bhawan, Plot No. 3, PSP Pocket, Sector 8, Dwarka, New Delhi-110077.

3. The Registrar, National Institute of Electronics and Information Technology (NIELIT) Bhawan, Plot No. 3, PSP Pocket, Sector 8, Dwarka, New Delhi-110077.
4. The Joint Director (Admin), National Institute of Electronics and Information Technology (NIELIT) Bhawan, Plot No. 3, PSP Pocket, Sector 8, Dwarka, New Delhi-110077.
5. The Director-in-charge, National Institute of Electronics and Information Technology (NIELIT), NIELIT Patna Centre, Near IIT Patna, Amhara, Bihta, Patna (Bihar)-801106.
6. The Junior Assistant, National Institute of Electronics and Information Technology (NIELIT), NIELIT Patna Centre, Near IIT Patna, Amhara, Bihta, Patna (Bihar)-801106.

..... Respondents.

By Advocate :- Shri H. P. Singh, Id. Sr. SC.

ORDER [ORAL]

Per S.K.Mishra, Member (Judl.):-

- 1 Heard learned counsel for applicants, Ms. Vagisha Pragya Vacaknavi and learned counsel for respondents, Shri H.P. Singh.
- 2 It is submitted by counsel for applicants that the applicants were issued engagement letters vide Annexure-A/3 series dated 30.10.2015. However engagement has been subsequently and periodically extended. The last extension was on 31.07.2020 till 30.10.2020. It is claimed by the applicants that the applicants were allowed to work till 27.11.2020 as per oral direction of the authority, but without any formal written order to that effect. It is further submitted by the learned counsel for applicants that the applicants were allowed to work but they have not been permitted to further work since December, 2020.
- 3 As there is joint cause of action, therefore, MA filed to pursue jointly the matter is allowed. Accordingly, M.A. is disposed of being allowed.
- 4 It is submitted by learned counsel for applicants that representation vide Annexure-A/5 series filed by the applicants are pending before

Respondent No. 2, The Director General, NIELIT Bhawan, Plot No. 3, New Delhi 110077. It is ascertained that the authorities had asked for undertaking from the applicants but the present applicants did not submit any undertaking for the reasons best known to them. It is also ascertained from learned counsel for respondents Shri Singh that four similarly persons having submitted undertaking in question have been engaged for a further period of six months. Learned counsel for applicants was in doubt regarding the terms and conditions and tenure of further extension that may be granted in favour of present applicants. But it is assured fairly by Shri Singh that in case such undertakings are given by the present applicants, they will be similarly treated as the four other persons have been treated by the authorities. We appreciate the said submission of Mr. Singh.

- 5 It is further submitted by the counsel for applicants that applicants will submit the required undertakings within one week before the competent authority/respondent no.5 so that necessary order to that effect can be passed after due consideration. While doing so the respondents shall certainly consider the similar circumstances in which four other persons have been further engaged with the conditions, tenure, salary, etc.. The undertakings if any furnished by the applicants shall not be a bar for approaching the Tribunal in case they have got any further subsisting cause of action or grievance, because right to approach this Tribunal or constitutional courts cannot be bartered away by submitting such undertakings. This being the legal position there will be no difficulty on the part of the applicants to submit the undertakings, in question, if they are so advised.
- 6 With these observations, the OA is disposed of, with liberty to the applicants to approach this Tribunal for regularisation or for any other relief as permissible under the law.
- 7 The copy of this Order be sent to all concerned and also be uploaded in the website.

[S.K.Mishra]
Member (J)

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