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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2334/2004
M.A.No.1970/2004

Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.M.K.Misra, Member(A)

New Delhi, this the 19th day of May, 2005

1. Raj Singh s/o Sh. Umed Singh
R/o Vill. & P.O. Sultan Pur, Dabas
Delhi – 39.

2. Samundar Singh (Car Driver)
S/o Sh. Surat Singh
R/o H.No.53, Vill. & P.O. Kanjhawala
Delhi – 81.

(Both the applicants are working as Driver in the O/o Secretary
Delhi Minority Commission, C-Block, 1st Floor, Vikas Bhawan
New Delhi.). ... Applicants

(By Advocate: Shri Anil Singal, for applicant no.1
Shri U.Srivastava, for ~~applicant no.2~~)

Versus

The Govt. of NCT of Delhi & Ors. through

1. The Secretary (Services)
N.C.T. Delhi, Delhi Secretariat
I.P.Estate, New Delhi.

2. The Deputy Secretary (Services)
Govt. of NCT Delhi, Services-II Department
5 – Sham Nath Marg
Delhi – 54. ... Respondents

(By Advocate: Shri George Paracken)

Order(Oral)

Justice V.S. Aggarwal, Chairman

By virtue of the present application, the two applicants are claiming the following reliefs:

"(a) Declaring the inactions of the respondent No. 1 by which the case of the applicants for appointment on transfer in any regular department of Govt. of NCT of Delhi with all other consequential benefits namely allowing the applicants for G.P.F. contribution, for earning of increments and counting of past services for the purposes of seniority as has been extended in case of similarly situated persons (264) in accordance with the relevant rules and instructions on the subject is as illegal, unjust, arbitrary, malafde, unconstitutional, against the principles of natural justice and discriminatory also.

(b) Directing the respondent No.1 to decide the case of the applicants for appointment on transfer in any regular department of Govt. of N.C.T. Delhi with all other consequential benefits namely allowing the applicants for G.P.F. contribution, for earning of increments and counting of past services for the purpose of seniority as has been extended in case of similarly situated persons (264) in accordance with the relevant rules and instructions on the subject.

(c) Directing the respondents place the relevant records pertaining to the present OA before the Hon'ble Tribunal for the proper adjudication in the interest of justice.

(d) Allowing the present OA with all other consequential benefits namely the arrears of increments etc. etc. and cost."

2. In the reply filed, the respondents have pointed that vide order of 13.1.2005, both the applicants have been re-deployed afresh in the departments



mentioned against their names, namely, Raj Singh in NCC and Samunder Singh in Archaeology Department.

3. So far as Samunder Singh is concerned, the learned counsel for the applicant states that his only grievance now is that he should be paid the arrears pertaining to the period 24.12.99 to 28.2.2000 within a specified time. Keeping in view the same, it is directed that arrears should be calculated and paid in accordance with rules preferably within three months of the receipt of the certified copy of the present order.

4. So far as Raj Singh is concerned, besides the abovesaid pleas in the case of Samunder Singh, the learned counsel states that he has been given NCC department which is not a re-deployment as has been given in the case of similarly situated 264 persons. He is required to drive the motor vehicle for which he does not have the special training, his duty hours are longer than the other similarly situated persons, he will not be provided the Uniform and there is no GPF deduction in his case.

5. We would have gone into the said controversy but the order of 13.1.2005 has been passed during the pendency of the petition. The basic reliefs claimed have since been granted. Therefore, the applicant Raj Singh, if he has any grievance, may take recourse under the law. To that extent, permission is granted. With these observations, the O.A. is disposed of.


(M.K. Misra)
Member(A)

/dkm/


(V.S. Aggarwal)
Chairman