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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.1718/93

New Delhi, this the 18th day of January, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman
Hon'ble Mr B.K. Singh, Member(A).

Ajudhia Parkash
S/O Shri Surjan Dass,
R/O 160, D.D.A. Flats,
Mansarovar Park,
Shahadara,
Delhi.

... .. Applicant.

(through Mr B. B.Raval, Advocate).

vs.

1. Union of India
through the Secretary,
Ministry of Commerce,
Government of India,
Udyog Bhavan,
New Delhi.

2. The Secretary,
Ministry of Defence,
Government of India,
South Block,
New Delhi.

... .. Respondents.

(through Mr Jog Singh, Advocate).

ORDER(oral)

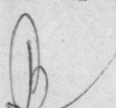
A counter-affidavit has been filed on behalf of the respondents in this O.A. The un-controverted facts are these. The petitioner joined the Indian Army as a Sepoy Clerk in the Army Ordinance Corps on 6.2.1950. While serving under the Army, he was asked whether he would like to go for a civilian service. The petitioner gave his option for joining the civil post. The Ministry of Defence gave a "No Objection Certificate" on 6.4.1955. On 18.3.1991, he made a representation that he may be given all the benefits of the judgment given by this Tribunal in O.A.No.70 of 1989 on 18.3.1991 vis-a-vis giving the benefit of the services rendered by him in the Army


for the purpose of fixing his seniority, pay and pensionary benefits etc. On 2.7.1992, the Section Officer informed the petitioner that his representation was under consideration and further communication will follow as soon as the final decision is taken.

2. Nearly two years have elapsed since the communication dated 2.7.1992. It appears that no decision has so far been taken on the representation made by the petitioner. This should have been done. We are not satisfied with the explanation offered by the learned counsel for the respondents explaining the delay in taking the decision. A case, therefore, has been made out for issue of positive directions to the respondents.

3. We direct the Secretary under the Ministry of Commerce, Government of India to take a final decision in the matter of the petitioner. If the Secretary comes to the conclusion that the representation should be rejected, he shall pass a speaking order and communicate the same to the petitioner within one month from the passing of such order. The petitioner shall communicate to the Secretary concerned, the order, which is being passed by us, by filing a certified copy thereof. He is permitted to transmit a certified copy of this order under ^{post} registered/~~A~~cknowledgement Due. It is made clear that, if no final order is passed within the time specified by us, serious view will be taken.

4. With these directions, the O.A. stands disposed of but with no order as to costs.


(B.K. Singh)
Member(A)


(S.K. Dhaon)
Vice Chairman

/sds/