

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/821/2021

This the 25th day of May 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**

Virinder Kumar Duggal, Age 69 years, S/o Sh. Chaman Lal, R/o 1771-F Last
Morph Gandhi Nagar, Jammu.

.....Applicant

(Advocate:- Mr. Aditya Gupta)

Versus

1. Union Territory of J&K, Principal Secretary to J&K Govt., Transport Department, Civil Secretariat, Jammu-180001.
2. Commissioner-cum-Secretary, General Administration Department, Civil Secretariat, Jammu-180001.
3. Commissioner-cum-Secretary, Finance Department, Civil Secretariat, Jammu-180001.
4. Transport Commissioner, Civil Secretariat, Jammu-180001.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**O R D E R
[O R A L]**

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicant was appointed as Junior Assistant in the Transport Department in the year 1975. The applicant was promoted as ARTO on 2001 and he became eligible for selection grade in the year 2006. Thereafter, the applicant applied for voluntary retirement in the year 2009 and sanction for the same was granted vide govt. order no. 84-TR of 2009 dated 29.10.2009. On 14.11.2017, a meeting was held under the chairmanship of Respondent No. 1 and Respondent No. 4 was also part of the meeting





where the grant of selection grade (non-functional) was considered with regard to nine employees of the department. It was found that vigilance clearance was available with regard to only four candidates and hence those four were approved for release of selection grade. The name of the applicant figures at Sl. No. 2 among the candidates whose vigilance clearance was pending on the date of consideration by the committee. The committee, however, decided to defer the cases of the candidates which included the applicant to be granted from the dates mentioned against their name as soon as the vigilance clearance is received. The applicant was issued vigilance clearance vide order no. GAD(Vig)21-NOC/2019-TPT dated 25.02.2020 by the vigilance section of Respondent No. 2 stating therein that there is no preliminary enquiry/FIR pending against the applicant. On receipt of the NOC from vigilance department, the applicant made two representations dated 04.08.2020 and 20.03.2021, however, no action has been taken on the representations till date.

2. Learned counsel for the applicant submits that the applicant would be satisfied, if a direction is issued to the respondents to take a decision on the representation dated 20.03.2021 (Annexure No. A-5 to the O.A.) by passing a reasoned and speaking order within a stipulated time frame.

3. We have heard Mr. Aditya Gupta, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G for the respondents and perused the record.



4. Looking to the limited prayer made by the learned counsel for the applicant and facts and circumstances of the case, we dispose of the O.A. with direction to the competent authority amongst the respondents to take a decision on the representation dated 20.03.2021 (Annexure No. A-5 to the O.A.) by passing a reasoned and speaking order and communicate the decision so taken to the applicant within a month from the date of receipt of certified copy of this order. While taking a decision on the representation, the respondents would also take into consideration the averments made in the O.A. as well as the minutes of the meeting held on 14.11.2017.

5. It is made clear that we have not entered into the merits of the case.

6. No order as to cost.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/Shashi/Arun