



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

**O.A. No.651/2021
MA No.843/2021**

This the 30th day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ms. Anita Kaushik
Accounts Clerk-cum-Typist/ACT
NYKS, North-West (Rohini),
Delhi.

... Applicant

(through Advocate Ms. Akanksha Singh)

Versus

1. The Union of India through
Its Secretary,
Ministry of Youth and Affairs and Sports,
Room No. 401, C-Wing, Shastri Bhawan,
New Delhi-110001
Email: myasoffice@gmail.com

2. Nehru Yuva Kendra Sangathan
Through its Director General,
having office at
Ground floor, 4-Jeevan Deep Building,
Parliament Street,
New Delhi-110001.
Email: dgnyks2016@gmail.com

... Respondents

(through Advocate Mr. Shailendra Tiwary, for R-1)



ORDER (Oral)

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

In the present OA, the applicant has challenged the communication dated 06.12.2019 (Annexure A-1) vide which her representation for change of designation has not been acceded to. The applicant has been informed by that impugned order passed in response to her representations dated 19.08.2019 and 21.06.2019 that appointment in NYKS to the post of Accounts Clerk-cum-Typist (ACT) was confirmed vide Office Order reference No.11022/NYKS/PERS; confirmation/1170/07 dated 07.08.2008. The services of the applicant were regularized with effect from her initial joining as ACT. It is further informed to the applicant that benefits of ACPS, MACPS etc. as applicable to the post of ACT have also been extended to her from time to time, however her request for change in designation cannot be acceded to.

2. The second communication is dated 16/21.09.2020 (Annexure A-2) vide which the applicant has been informed that her grievances have already been considered keeping in view her representations which were disposed of vide order dated 06.012.2019 and applicant should not make



unnecessarily communications failing which serious view shall be taken.

3. It is not disputed by the learned counsel for the applicant that the applicant was initially appointed to the post of Accounts Clerk-cum-Typist (ACT) and her services have been regularized as such with the initial date of her joining and the benefits of ACPS and MACPS have been also accorded to her by the respondents. Her only grievance is that at the time of her appointment, there was no available vacancy to the post of Accounts Clerk-cum Typist (ACT).

4. We have heard the learned counsel for the applicant and we are of the considered view that if the applicant has been appointed in the year 2007/2008 and she has accepted the offer of appointment and terms & conditions thereof, at the initial stage, she cannot raise the issue that her appointment was without availability of vacancies for the said post and, therefore she should be re-designated and higher pay should be given to her and that too after more than a decade. In the present OA, the applicant has neither challenged her appointment to the post of Accounts Clerk-cum-Typist (ACT) nor has raised any point as to why



this Tribunal should interfere in the matter of change of designation as being raised by the applicant. Though the impugned order has been passed on 06.12.2019, however, the claim of the applicant is of the year 2007/2008 and, therefore, we find that the claim is stale one.

5. In view of the aforesaid, we find that the OA lacks merit and is also bad for delay and laches. The same is accordingly dismissed. No costs.

6. Pending MA also stands dismissed accordingly.

(Mohd. Jamshed)
Member (A)

(R. N. Singh)
Member (J)

/cc/jugal/uma/shilpi/