

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No.45/1995

Date of order: 21.04.1999

Durga Prasad Yadav, aged about 44 years, S/o Shri Radha Kishan Yadav, R/o 69, Sri Ram Nagar-B, Kalwar Road, Jhotwara, Jaipur, retired as Dafadar/SKT from the office of 46, Armoured Regiment.

.. Applicant

Versus

1. Union of India through the Secretary (Staff Selection Commission), Department of Personnel & Training, Block No.12, CGO Complex, Lodhi Road, New Delhi.
2. The Joint Secretary (SCT), Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, North Block, New Delhi.
3. Director General (Resettlement), Ministry of Defence, C/o Director General Resettlement, West Block-IV, R.K.Puram, New Delhi.
4. The Secretary, Ministry of Defence, South Block, New Delhi.

.. Respondents

Mr. Anurag Kulshreshtha, counsel for the applicant

Mr. V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Adm. Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Durga Prasad Yadav, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying therein for a direction to the respondents to treat him as an Ex-serviceman and in case he clears the written as well as the type test for recruitment to the post of Lower Division Clerk (LDC), he may be appointed thereto against the quota prescribed for Ex-servicemen.

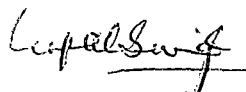
2. We have heard the counsel for the parties. No reply has been *CRK/AM* filed by the respondents to the application despite sufficient

opportunities.

3. The applicant was not treated as an Ex-serviceman merely on the ground that he was released/discharged from service at his own request. The applicant had put in more than 20 years of service and he had sought voluntary retirement. He is also in receipt of pension, gratuity and other retirement benefits. The applicant has contended that since the Director General (Resettlement), New Delhi vide his communication dated 17.10.94 addressed to the Regional Director, Staff Selection Commission, New Delhi, has specifically observed that the applicant is eligible for grant of the status of an Ex-serviceman and he being a bonafide Ex-serviceman as per the definition laid down by the DOPT, he should be considered for appointment to the post of LDC, against the reserved quota of Ex-servicemen, if he is found otherwise eligible. The applicant has not filed the aforesaid communication dated 17.10.94 on the record of this OA.

4. In the circumstances, we direct the applicant to make a fresh representation to respondent No.2 regarding his grievance enclosing a copy of the communication of the Director General (Resettlement) dated 17.10.94 within a period of one month from today and in case such a representation is made within the prescribed time, it shall be disposed of by respondent No.2 on merits with a period of 3 months from the date of its receipt.

5. The application is disposed of accordingly with no order as to costs.


(GOPAL SINGH)

Adm. Member


(GOPAL KRISHNA)

Vice Chairman