

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR BENCH
Original Application No.1162/2005

Jabalpur this the 15th day of December, 2005

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

R.K. Vishwakarma, aged 45 years s/o late Shri Uma Shanker,
resident of Kaushalya Sadan, 449, Kamla Nehru Nagar
(Garha Road), Jabalpur - 482 001
working as Private Secretary
Central Administrative Tribunal,
Jabalpur Bench, Jabalpur.

- **APPLICANT**

(By Advocate - Shri V. Tripathi)

Versus

1. Union of India through
the Secretary, Ministry of Personnel,
Public Grievances & Pensions,
Department of Personnel & Training,
Government of India,
New Delhi.

2. The Principal Registrar,
Central Administrative Tribunal,
Principal Bench, 61/35, Copernicus Marg,
New Delhi-110001

- **RESPONDENTS**

ORDER (Oral)

By Madan Mohan, Judicial Member -

By filing this Original Application, the applicant has claimed
the following main reliefs :-

- "i) Summon the entire relevant record from the respondents including DPC proceedings for its kind perusal.
- ii) It is, therefore, prayed that this Hon'ble Tribunal may kindly be pleased to direct the respondent no.1 to consider the case of the applicant for his absorption as Sr.PA w.e.f.1.11.1989 and thereafter to count his seniority as Sr.PA with effect from 20.11.1988 as recommended by the duly constituted DPC.
- iii) It is further prayed that this Hon'ble Tribunal may kindly be pleased to direct the respondents, that after aforesaid revision of seniority as Sr.PA, consider the applicant for further promotions as Private Secretary & Deputy

Registrar, with effect from the dates on which the person immediately below the applicant in the corrected seniority list has been considered for such promotion, and thereafter grant the applicant all consequential benefits."

2. The brief facts of the case are that the applicant is presently working as Private Secretary, in Central Administrative Tribunal, Jabalpur Bench. He was initially appointed as Senior Personal Assistant (Group-B Gazetted) in the scale of Rs.2000-3200 in Jabalpur Bench of the Central Administrative Tribunal (for short 'CAT') on 21.10.1987 on adhoc basis pending finalization of the recruitment rules. His case was recommended for regularization as Sr.PA by a Selection Committee vide its minutes dated 7.10.1988. The Recruitment Rules of Sr.PA of CAT were notified in 1989. Vide order dated 8.5.1990 the respondents passed the order of absorption on the post of Court Master i.e. to a post to which he had never been appointed either directly or on deputation. Thereafter, the applicant was granted seniority as Sr. PA w.e.f. 1.11.1989 vide seniority list published on 2.6.1992. He was also allowed to cross the efficiency bar in the year 1993 on the recommendation of a duly constituted DPC; however, his name was deleted from the said seniority list of Sr.PA vide seniority list published on 24.10.94. The applicant had submitted an appeal dated 29.8.1996 to the DOPT for his regularization, to which no decision has yet been communicated to him. His initial appointment and continuous officiation as Sr.PA/PS has been affirmed followed by his promotion/regularization as PS vide order dated 21.1.2000. His period of officiation on ad-hoc basis w.e.f. 20.11.1987 to 31.12.1998 has also been authorized with retrospective effect by the DOPT as communicated to the applicant by the respondents vide order dated 4.5.2000.

3. Heard the learned counsel for the applicant. The learned counsel for the applicant has submitted that the applicant has submitted various representations last one being of 25.8.2005 (Annexure-A-15), but the respondents till now have not taken any decision on his representations. Hence he has filed this OA. The learned counsel has further submitted



that he will feel satisfied if this OA is disposed of at the admission stage by directing the respondents to consider and decide the representation of the applicant within a time frame.

4. Accordingly, we dispose of this OA with a direction to respondent no.1 i.e. the Union of India, Secretary, Ministry of Personnel Public Grievances and Pensions, Department of Personnel & Training, Govt.of India, New Delhi, to consider the aforesaid representation dated 25.8.2005 of the applicant, and also consider this OA as part of the representation, and thereafter take a decision in the light of the case law relied upon by the applicant within two months from the date of receipt of a copy of this order, by passing a detailed reasoned and speaking order, and inform the applicant accordingly.

5. We have not issued any notice to the respondents in this OA as we have not passed any order adverse to the respondents.

6. The Registry of this Tribunal is directed to forward a copy of the OA along with this order to respondents immediately.

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

पृष्ठांकन सं ओ/व्या..... जयलपुर, दि.....

प्रतिपक्षि वा.....

(1) प्रतिपक्षि वा..... जयलपुर

(2) आये, वं..... जयलपुर

(3) प्रतिपक्षि वा..... जयलपुर

(4) प्रतिपक्षि वा..... जयलपुर

सूचना एवं आवश्यकता वा.....

उप रजिस्ट्रार

R. K. Vishwakarma PS
CAF-333
Rd No 1 and 2 (with car)
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Issued
by
19.12.05