

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 13.07.2012

OA No. 435/2012

Mr. N.K. Gautam, counsel for applicant.

Heard learned counsel for the applicant.

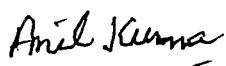
2. The applicant has preferred the present OA praying that the type speed test passing condition to be treated as not applicable to the applicant and further the show cause notice dated 11.06.2012 (Annex. A/1) is to be treated as illegal and further prayed that instead of reverting the applicant to group 'D' post, he be allowed to work in Group 'C' post.

3. From perusal of the pleadings as well as record, it reveals that against his grievances, the applicant has served a legal notice dated 25.06.2012 (Annex. A/3) to the respondents through his counsel, which is still pending consideration before the respondents. In view of this fact, we deem it just and proper that the ends of justice would be met if the respondents are directed to consider and decide the said legal notice by passing a reasoned and speaking order.

4. Accordingly, the respondents are directed to consider and decide the legal notice dated 25.06.2012 (Annex. A/3) by passing a reasoned and speaking order and communicate the decision so taken to the applicant expeditiously but in any case not later than a period of one month from the date of receipt of a copy of this order. It is made clear that till the disposal of the said legal notice, no prejudicial order shall be passed against the applicant pursuant to the impugned show cause notice dated 11.06.2012 (Annex. A/1) and after deciding the show cause notice, the respondents will be at liberty to proceed further in accordance with the provision of law.

5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application.

6. With these observations and directions, the Original Application stands disposed of with no order as to costs.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)