

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No. 060/00585/2014

Date of decision- 10.04.2015.

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

Lekh Raj S/o Sh. Onkar Singh, age 57, working as Statistical Investigator Gr.-II in the office of Director, Census Operation, Haryana Jaganana Bhawan, U.T. Chandigarh.

...APPLICANT

BY ADVOCATE : Sh. D.R. Sharma.

VERSUS

1. Union of India through Secretary, Ministry of Home Affairs, ORGI, 2/A, Mansingh Road, New Delhi-110011.
2. Director, Census Operations, Haryana, Jaganana Bhawan, U.T. Chandigarh.
3. The Registrar General and Census Commissioner, India 2/A, Man Singh Road, New Delhi – 110011.

...RESPONDENTS

BY ADVOCATE: Sh. Sanjay Goyal

ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

By means of the present Original Application, the applicant has sought following relief:-

- (i) That the respondents be directed to count the ad-hoc services of applicant preceding to his regularization (30.10.1978 to 01.02.1980) for purpose of grant of 2nd

ACP and 3rd MACP from the due date i.e. 2nd ACP w.e.f. 01.02.2002 and 3rd MACP w.e.f. 30.10.2008 (on completion of 30 years of service) along with all consequential benefits like arrears of pay and allowance.

- (ii) That ad-hoc services of applicant preceding to his regularization (30.10.1978 to 01.02.1980) be treated as regular service for all the purpose.
- (iii) That the applicant be extended the benefit of the judgments Annexure A-1 and Annexure A-17.
- (iv) That the applicant be also held entitled to interest @ 18 % p.a. from due date of till the date of actual payment.
- (v) That any other order or direction deemed fit and proper in the facts and circumstances of the case to which the applicant is held entitled may also kindly be issued in their favour."

2. Learned counsel for the applicant submitted that a similar issue, as raised in the instant O.A., came up for hearing in this Tribunal in OA No. 060/00583/2014 titled **Amrit Lal Vs. Union Territory, Engineering & Ors.**, where O.A was disposed of directing the respondents to take a call on the request of the applicant, therein and pass a reasoned and speaking order.

3. Upon notice, the respondents have filed an additional affidavit stating therein the authorities have already forwarded the proposal to the higher authority and decision thereupon is awaited.

4. Today, Sh. Sanjay Goyal, learned counsel for the respondents has produced a copy of a letter dated 25.03.2015 communicated to him. Perusal of the same makes it clear that Ministry of Law and Justice has approved the proposal for regularizing the services of Ad-hoc appointee from their date of initial appointment and matter is now under consideration with the Ministry of Finance. He submitted that the authorities may be granted some time and as when they receive the final approval, they will consider and grant the benefit to the applicant. Therefore, the present O.A may be disposed of in the terms

of the order passed in case of Amrit Lal (supra). For ready reference, the relevant portion of the letter dated 25.03.2015 reads as under:-

" In this connection, it is submitted that we have contacted our head office i.e. office of the Registrar General, India and it has been intimated that Ministry of Law and Justice has also approved the proposal for regularizing the services of Ad-hoc appointees from their date of initial appointment and now the matter is under consideration of Department of Expenditure, Ministry of Finance and as soon as the approval is received from the Department of Expenditure, the benefits of above decision would also be extended to the applicants also. (copies of correspondence received from ORGI in the matter are enclosed).

2. In view of above, you are requested to submit in the Court that present O.A may also be disposed off on the lines of O.A No. 060/00583/2014 on the ground that relief sought by the applicant reg. counting of adhoc service of ACP/MACP, in the present O.A is same as in O.A No. 060/00583/2014 titled Amrit Lal Vs. U.O.I which has been dismissed by the Hon'ble Court (Double Bench) vide their order dated 20.01.2015. Both Employees belong to same cadre appointment as Assistant compliers. Only difference is in their date of appointment i.e. Amrit Lal was appointed on adhoc basis on 16.05.1977 and present applicant Sh. Lekh Raj was appointed on 30.10.1978. Later their services regularized w.e.f. 29.10.1979 and 30.01.1980, respectively."

4. Learned counsel for the applicant does not raise any objection to the disposal of O.A in the requested manner. He prays that respondents be directed to decide the case of the applicant in a time bound manner.

5. Considering the ad-idem between the parties coupled with the fact that earlier also direction was given in the case of Amrit Lal (supra), we dispose of the present O.A with a direction to the respondents to decide the claim of the applicant as reflected above, within a period of three months from the date of receipt of a certified

copy of the order, by passing a speaking and reasoned order as per law and rules, under intimation to the applicant.

6. Needless to say that we have not expressed any view on the merits of the case.
7. No order as to costs.

Uday Kumar Varma

(UDAY KUMAR VARMA)
MEMBER (A)

JK

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 10.04.2015

'jk'