

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.NO.1294 OF 2016
(In OA No.726 of 2014)

New Delhi, this the 26th day of April, 2016

CORAM:

HON^ØBLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER
AND
HON^ØBLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
í í í ..

Shri Harjeet Singh Chadha and others í í . Applicants

(By Advocate: Mr.K.C.Mittal)

Vs.

Chief Secretary, Delhi Secretariat & others í .. Respondents

(By Advocate: Mr.N.K.Singh for Ms.A.Ahlawat for respondent nos.1 to 3)
í ..

ORDER

Per Raj Vir Sharma, Member(J):

The applicants, who were engaged as Contractual Assistant Professors in Ch.Brah Prakash Government Engineering College, Jaffarpur, New Delhi, filed the O.A. on 26.2.2014 praying for the following reliefs:

- õ(a) Quash and set aside the recruitment process pursuant to Advertisement No.19/2013 at Serial No.9 and 10, Advertisement No.20/2013 at Serial No.18 and Advertisement No.01/2014 at Serial No.4 issued by the UPSC and not to proceed or make any recruitment against the posts held by the applicant from any source or method and consider the cases of the applicants for

regularization as per the direction of the Honøble Court of Delhi and/or the decision of the respondents and the decision of the respondents to regularize the applicants.

- (b) Any other order that may be deemed fit and appropriate in the circumstances of the case may also be passed.ö

1.1 The Tribunal, by its order dated 27.2.2014, while directing issuance of notices to the respondents, passed the following interim order:

öIn the circumstances and in the interest of justice, the respondents shall maintain status quo in respect of the applicants for a period of 14 days.ö

1.2 The Tribunal, by its order dated 13.3.2014, required Shri Rajinder Nischal, who is on the panel of counsels for the Union Public Service Commission (respondent no.4) to obtain instructions and file counter reply on behalf of the UPSC.

1.3 The Tribunal, by its order dated 30.4.2014, made the interim order dated 27.2.2014, *ibid*, absolute.

1.4 In May 2014, respondent nos.1 to 3 filed their counter reply. The applicants filed their rejoinder reply on 24.9.2014. Thus, the pleadings being complete, the O.A. was listed for hearing on 10.11.2014. On 10.11.2014, at the request of the learned counsel appearing for the applicants, the hearing was deferred to 24.12.2014.

1.5 While the matter stood thus, the applicants filed MA No.3525 of 2014 on 10.11.2014 for amendment of the O.A. The Tribunal, by its order dated 20.11.2015, allowed MA No.3525, and directed the applicants to file the amended OA. The Tribunal also directed the respondents to file counter reply to the amended OA. Accordingly, the applicants filed the amended

O.A., and respondent nos. 1 to 3 filed their counter reply to the amended O.A. on 20.4.2015. Thereafter, the matter was listed for hearing on 21.4.2015, 10.7.2015, 8.9.2015, 20.11.2015, 20.1.2016 and 18.3.2016. On 18.3.2016 the Tribunal adjourned the matter to 8.4.2016 for hearing and granted liberty to the applicants to file their rejoinder reply, if any, in the meanwhile.

1.6 Thereafter, the applicants filed the present MA No.1294 of 2016 on 30.3.2016 once again seeking amendment of the O.A. On 8.4.2016 we heard the learned counsel appearing for the parties on this M.A. No.1294 of 2016 and reserved our orders.

2. By filing the present M.A.No.1294 of 2016, the applicants sought to incorporate certain averments/grounds and additional prayers in the O.A. After going through the contents of MA No.1294 of 2016, we find that the amendments presently sought for by the applicants are necessary for the purpose of determining the real questions in controversy between the parties, and will not change the nature and character of the O.A as initially filed by them. Therefore, M.A.No.1294 of 2016 is allowed.

2.1 The applicants are directed to file the consolidated copy of the O.A., in triplicate, incorporating the amendments, after serving copy thereof on Ms.A.Ahlawat, the learned counsel appearing for respondent nos. 1 to 3, within one week from today. Respondent nos. 1 to 3 shall file their counter reply to the amended O.A. within two weeks from the date of receipt of copy of the amended O.A.

2.2 It transpires from the records that despite service of notice, respondent no.4-Union Public Service Commission has neither appeared nor filed counter reply. Therefore, the applicants are directed to file the requisites, including the amended copy of the O.A., along with its annexures, within one week from today, for service of notice on respondent no.4-Union Public Service Commission by Registered Post with A.D. Respondent no.4-Union Public Service Commission shall file its counter reply to the amended O.A. within two weeks from the date of receipt of notice. The Registry of the Tribunal is directed to send a copy of this order, along with the notice, to respondent no.4-Union Public Service Commission.

3. The matter be listed on 25.5.2016 for hearing.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

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