

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2436/2017

Tuesday, this the 25th day of July 2017

**Hon'ble Mr. Justice Mr. Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Colonel (Retd.) SS Vaid
Group A Post
Aged about 60 years
Applied for the post of OIC, ECHS Polyclinic, Faridabad
s/o Mr. Mahinder Singh Vaid
House No.628, Sector 16-A, Faridabad (Haryana)

Presently residing at
C-4A/42A, Janakpuri, New Delhi
[Mr. R K Rastogi, Advocate]

..Applicant

Versus

1. Union of India through the Secretary
Ministry of Defence, Govt. of India
South Block, Raisina Hills
New Delhi – 110 011
2. The Adjutant General
Adjutant General's Branch, IHQ of MoD (Army)
Sena Bhawan, New Delhi – 110 011
3. Managing Director
Central Organisation ECHS
Adjutant General's Branch
IHQ of MoD (Army), Maude Lines
Delhi Cantt. 110 010
4. Commanding Officer
Air HQ (SP), Directorate of AV
Subroto Park, New Delhi – 110 010
5. Station Commander
(Incumbent posted in November 2016)
C/o Station Headquarters
Air Force Station, Dabua
Faridabad – 121005
6. Station Commander
Station Headquarters
Air Force Station, Dabua, Faridabad – 121005

..Respondents

[Mr. Gagan Chawla, Advocate for Mrs. Harvinder Oberoi, Advocate]

O R D E R (ORAL)**Justice Permod Kohli:**

Notice. Mr. Gagan Chawla for Mrs. Harvinder Oberoi, learned counsel, appears and accepts notice on behalf of respondents.

2. The applicant in the present O.A. is an ex-serviceman and retired as Colonel from the Indian Army. He applied for his consideration as Officer In-charge (OIC), ECHS Polyclinic, Faridabad. It is stated that the present incumbent of the post is Colonel (Retd.) Pritam Singh was due to retire on 31.01.2017 after completion of the conditions of his employment on attaining the age of 65 years and maximum of 5 years of service as OIC, ECHS Polyclinic. It is stated that the applicant was informed that extension of service has been granted to Colonel (Retd.) Pritam Singh for a period of probably 3 months, i.e., up to 30.04.2017. The applicant appeared for first interview conducted on 17.11.2016 for the said post but the outcome of the interview was not disclosed. Without deciding the fate of first interview, another interview was conducted by the respondents on 20.03.2017 wherein the applicant again appeared. However, the outcome of the said has also not been communicated to him, nor is in public domain. The applicant lodged a complaint/representation dated 06.06.2017 to the Managing Director, ECHS, New Delhi (Annexure A-2). The Offg. Director (C&L), New Delhi, vide his letter dated 08.06.2017 (Annexure A-3), asked the concerned, viz. (i) intimate the disposal of interview held in the month of November 2016, necessity to conduct fresh interview in March 2017; and (iii) status of both interviews as on date. Despite this communication, no steps have been taken by the respondents. Now vide letter dated 05.07.2017 from the Central Organization ECHS, Adjutant General's Branch, the Air HQ (SP), New Delhi has been asked to direct the concerned Formation/Station Headquarters to have the petition examined through chain of command and forward suitable reply directly to the

applicant under intimation to this Headquarter without any further delay to avoid subsequent legal action. Despite this communication, nothing has been done.

It is under these circumstances that the applicant has approached this Tribunal through the present O.A. Since the respondents have already initiated the process for examining the complaint of the applicant, it is deemed appropriate that the said examination may be completed within the reasonable time.

3. In this view of the matter, without going into the merits of the controversy, we dispose of this O.A. at the admission stage itself with direction to respondent No.6 to take decision on the complaint lodged by the applicant, in the light of the letter dated 05.07.2017 from the Central Organization ECHS Adjutant General's Branch, New Delhi, within a period of one month from the date of receipt of a copy of this order, by passing reasoned and speaking order. We further direct the said respondent that while deciding the complaint he should take into consideration the rules, norms and all other relevant considerations, which are *in vogue* for purposes of appointment to the post in question.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

July 25, 2017
/sunil/