

**Central Administrative Tribunal
Principal Bench**

OA No.4123/2014

New Delhi, this the 05th day of April, 2016

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

Sh. Gurcharan Singh
S/o Sh. Harnam Singh
Aged 55 years,
Gr.II Dass
R/o 704/20, Panchsheel Colony,
Miltan Road, Sonapat 131001.

.... Applicant.

(By Advocate : Shri Pradeep Kumar)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
5th Floor, Delhi Sachivalaya,
I.P. Estate, New Delhi-2.
2. The Secretary
(Services Department)
GNCT of Delhi,
7th Level, B Wingh,
Delhi Secretariat,
New Delhi.
3. The Director
Directorate of Education
GNCT of Delhi
Old Secretariat,
Delhi.
4. The Secretary
NCC Department
GNCT of Delhi,
Chabiganj, Kashmere Gate,
Delhi-6.
5. The Commissioner
Food & Supplies Department,
GNCT of Delhi,
K-Block, Vikas Bhawan,
IP Estate,
New Delhi-2.
6. The Secretary
Information & Publicity Department
GNCT of Delhi
Block-09,
New Delhi.

... Respondents.

(By Advocate : Shri Vijay Pandita)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman:

The applicant was appointed as Grade-II Officer in Delhi Administrative Subordinate Services (DASS for short) on being selected by the competent authority. He came to be appointed on 09.05.1985. He was posted in the Education Department by the Cadre Controlling Authority. He came to be removed from service vide order dated 24.02.1992 for being absent from duty w.e.f. 04.12.1988 without any intimation, as is evident from Annexure A-1.

2. The applicant preferred a statutory appeal against the aforesaid order of removal from service. The Appellate Authority vide its order dated 25.02.1999 (Annexure A-2) set aside the removal of the applicant and awarded punishment of stoppage of three increments and the period of absence was treated as *dies non*. It was further observed that the applicant would be watched carefully. The applicant has accepted this order of the Appellate Authority.

3. The short grievance of the applicant is that after reinstatement, the respondents have not fixed his pay, nor granted any benefits pertaining to his service including ACP and MACP Scheme.

4. Learned counsel for the applicant submits that on account of non-fixing of applicant's pay allegedly due to non availability of service record, he is not getting his due salary and other benefits.

5. Although, detailed counter affidavit has been filed by the respondents, however, Shri Vijay Pandita, learned counsel appearing for the respondents submits that the Services Department has constituted a Committee to reconstruct service record of the applicant, which is not available right now. He has also placed on record copy of the communication dated 02.12.2015 from Deputy Secretary (Services), the

Chairperson of the said Committee, whereby two batchmates of the applicant have been asked to appear before the Committee. This exercise seems to be to prepare the service book of the applicant. Mr. Pandita submits that the committee has not completed the exercise of preparing the service book of the applicant. The said communication is sufficient to indicate that the committee was constituted prior to 02.12.2015. The Committee has not completed the exercise of preparing the service book of the applicant even after a lapse of four months. One fails to understand as to why so much delay has occurred in completing the exercise of preparation of the service book when the applicant has served only in four departments of the Delhi Government.

6. We are of the opinion that the respondents should complete the process of preparation of the service book of the applicant as early as possible. This OA is accordingly disposed of with the direction to the respondents including Members of the aforesaid Committee to complete the exercise of preparation of service book of the applicant within a period of one month, and submit its report to the competent authority. The Competent Authority thereafter shall pass appropriate orders for finalising the service book of the applicant within a period of one month from the date of receipt of report of the Committee. On preparation of the service book, all benefits available to the applicant shall be released within a period of two months thereafter. In the event, the applicant is required to be considered for some process of selection for promotion etc., the same may also be completed within the aforesaid period, and if for any reason the respondents are unable to do so, they will seek extension of time from this Tribunal.

(P. K. Basu)
Member (A)

(Permod Kohli)
Chairman

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