

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO.060/01527/2017
Chandigarh, this the 22nd day of December, 2017**

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

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Pankaj Chaudhry, aged 35 years, S/o Sh. D.R. Chaudhry, worked as Assistant Audit Officer (AAO), O/o Principal Accountant General, (Audit-I), Maharashtra, Pratishtha Bhavan, 101, Maharshi Karve Marg, Mumbai 400020, R/o House No.1268, Sector 26, Panchkula, Haryana, Group-A.

....APPLICANT

(Present : Mr. Sandeep Siwatch, Advocate)

VERSUS

1. Comptroller and Auditor General of India, Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi 110124.
2. Deputy Comptroller and Auditor General of India, O/o Comptroller and Auditor General of India, Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi 110124.
3. Asstt. Comptroller and Auditor General (N), O/o Comptroller and Auditor General of India, Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi 110124.
4. Principal Accountant General (Audit)-I, Maharashtra, Old C.G.O. Building, 101, Maharshi Karve Road, Mumbai 400020.
5. Sr. Dy. Accountant General, Indian Audit and Accounts Department, O/o Principal Accountant General (Audit)-I, Maharashtra, Old C.G.O. Building, 101, Maharshi Karve Road, Mumbai 400020.

....RESPONDENTS

(Present : Mr. Barjesh Mittal, Advocate)

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J)**

1. By means of present O.A, the applicant challenged the correctness of order dated 27.12.2016 whereby service of the applicant was terminated under Rule 5 of CCS (Temporary Services) Rules, 1965.

2. Heard Mr. Sandeep Siwatch, learned counsel for the applicant who argued that the applicant was appointed as Assistant Audit Officer (AAO) after a positive act of selection. He was offered appointment vide order dated 15.07.2010. He joined on 27.08.2010. He was put on probation for two years. As the probation period of the applicant was not extended by the respondents, therefore, on expire of said period, he deemed to have been confirmed on the post. He argues that vide impugned order, the respondents have terminated his service by invoking Rule 5 of CCS (Temporary Services) Rules, 1965 which the respondents cannot because he has already completed his probation, therefore, impugned order is bad in law. Aggrieved against their inaction, the applicant submitted a representation on 03.05.2017 to respondent no. 2. Pending decision, he received a letter dated 15.10.2017 from the office of respondent no. 4 vide which he was given seven days time to make his

submission. In furtherance thereto, the applicant has submitted another representation on 24.10.2017 by staking his claim.

3. Learned counsel for the applicant made a statement at the Bar that the applicant will be satisfied if direction be issued to the respondents to decide his pending unanswered representations within some time bound manner by passing a reasoned and speaking order.

4. Since the applicant has made innocuous prayer to direct the respondents to decide his pending representations which the respondents are supposed to decide, therefore, I deem it appropriate to dispose of the petition in limine.

5. Issue notice to the respondents.

6. Mr. Barjesh Mittal, Advocate appears and accepts notice on behalf of the respondents. He did not object to the disposal of O.A in above requested manner. However, he prayed that six weeks time may be granted to decide the pending representations by passing a reasoned order in accordance with law.

7. Considering the ad-idem between the parties, I dispose of the present O.A with a direction to the competent authority amongst the respondents to decide the pending representations of the applicant, by passing a reasoned and speaking order in accordance with law within a period of 6 weeks

from the date of receipt of a certified copy of this order. Order so passed be duly communicated to the applicant.

8. The disposal of O.A may not be construed as an expression on the merit of the case.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 22.12.2017

‘jk’

