

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00658/2018

Dated Friday the 8th day of June Two Thousand Eighteen

PRESENT

HON'BLE SMT. B. BHAMATHI, Member (A)

S.Karuppusamy,
Cook/Industrial Canteen,
Heavy Alloy Penetration Project,
Trichy.Applicant

By Advocate M/s. R. Pandian

Vs

Union of India rep by,
1.The Secretary,
Dept of Defence Production,
Ministry of Defence,
South Block,
New Delhi 110001.
2.The Chairman,
Ordnance Factory Board,
No. 10, S.K.Bose Road,
Kolkata 700001.
3.The General Manager,
Heavy Alloy Penetration Project (HAPP),
Trichy 620025.Respondents

By Advocate Mr. K. Rajendran

ORAL ORDER

(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))

Heard learned counsel for the applicant. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for all the records relating to the implementation of the order of the Hon'ble Supreme Court of India in SLP(Civil) 17951/2005 dated 10.02.2012 in the matter of UOI Vs A. Periyasamy & 6 Others and the impugned order No. 14036/HAPP/CONF/17 dated 10.05.2017 passed by the 3rd respondent and

I. To quash the impugned order No. 14036/HAPP/CONF/17 dated 10.05.2017 passed by the 3rd respondent; consequently,

II. To direct the 3rd respondent to notionally fix the date of appoint of the applicant in the post of Cook in PB-1 (5200-20200) with GP Rs. 1900 as on 10.02.2012 (notionally) and to revise / re-fix the pay of the applicant w.e.f. 10.02.2012 (notionally) and from 12.10.2015 on actual basis;

III. to direct the 3rd respondent to pay the differences of pay to the applicant consequent to such re-fixation of pay and

IV. to pass any other order / orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. It is submitted that the applicant was initially appointed as a Casual Labourer (Cook) in the year 1988. He along with similarly placed persons approached this Tribunal in OA 530/1997 and the respondents therein were directed to consider absorption of the applicants therein. The respondents therein preferred a WP

20254/1999 against the order of this Tribunal which was dismissed. Thereafter, they filed an SLP (Civil) No. 17951/2005 and the Hon'ble Apex Court vide order dated 10.02.2012 directed the petitioners therein to appoint the applicants in the aforementioned OA as and when the vacancy arose. It is submitted that the 3rd respondent appointed the applicant only on 12.10.2015 though the vacancies were available as on the date of the order of the Hon'ble Apex Court. He made representations on 19.07.2016 and 19.01.2017 seeking appointment on 10.02.2012 notionally. However, his request was rejected by order dt. 10.05.2017. Learned counsel for the applicant produces a copy of the letter dated 11.01.2018 in response to an RTI application made by the applicant stating that there was one vacancy of Cook and two vacancies of Vendor as on 11.04.2005. Learned counsel for the applicant submits that the applicant would be satisfied if the 3rd respondent is directed to reconsider his representations in the light of the RTI communication dt. 11.01.2018 within a time limit to be stipulated by this Tribunal.

3. Mr. K. Rajendran takes notice for the respondents.
4. To meet the ends of justice and without going into the merits of the case, I deem it appropriate to direct the 3rd respondent to reconsider the representations of the applicant dt. 09.07.2016 and 19.01.2017 in accordance with law keeping in mind the RTI

communication dt. 11.01.2018 (supra) and pass a reasoned and speaking order within a period of 12 weeks from the date of receipt of a certified copy of this order. All issues of law including that of delay are kept open.

5. OA is disposed of with the above direction at the admission stage.

(B. Bhamathi)
Member(A)
08.06.2018

SKSI