

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00592/2018

Dated Wednesday the 30th day of May Two Thousand Eighteen

PRESENT

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

G.Velayudham,
Son of P. Ganapathy,
aged about 35 years,
residing at
No. 15/8, Thiruvalluvar Street,
Tharamani,
Chennai 600113.
Working as Junior Assistant
National Institute of Electronics and
Information Technology (NIELIT) Chennai Centre,
No. 25, Gandhi Mandapam Road,
Chennai 600025.Applicant

By Advocate M/s. Balan Haridas

Vs

- 1.Union of India,
rep by its Scientist F and HOD (HRD),
Ministry of Electronics and Information Technology,
Electronics Nikethan,
No. 6, CGO Complex,
New Delhi 110003.
- 2.National Institute of Electronics and
Information Technology (NIELIT),
rep by its Director General,
NIELIT Bhavan,
Plot No. 3, PSP Pocket,
Sector 8, Dwaraka,
New Delhi 110077.
- 3.The Director I/c,
National Institute of Electronics and
Information Technology (NIELIT) Chennai Centre,

No. 25, Gandhi Mandapam Road,
Chennai 600025.

4.Group Head (Administration and Finance),
National Institute of Electronics and
Information Technology (NIELIT) Chennai Centre,
No. 25, Gandhi Mandapam Road,
Chennai 600025.Respondents

By Advocate Mr. S. Nagarajan

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 reliefs:

“8.(i). to quash the order of the 1st respondent bearing no. 4(4)/2007-ISEA (Vol.III) dated 25.07.2017 and the order of the 4th respondent bearing no. NL-CHE/III/4(II-A)/042 dated 09.05.2018.

(ii). Consequently direct the respondents to regularize the services of the applicant in the post of Junior Assistant from the date of initial appointment and

(iii). pass such further other orders or directions as this Hon'ble Tribunal think fit in the circumstances of the case and render justice.”

2. Applicant was engaged on temporary basis on 21.02.2011 with the project named “Setting up of NIELIT Centre in Chennai” and has since been continuing there as Junior Assistant. Para 1 of the appointment order states as follows:

“1) Your appointment to the above post is temporary and for the sanctioned period of the project and co-terminus with the project “Setting-up of DOEACC Centre Chennai”.”

The impugned order dt. 25.07.2017 declared formal closure of the project “Setting up of NIELIT Centre in Chennai” w.e.f., 31.07.2016. Learned counsel for applicant states across the Bar that they were not aware of this order. Hence, assuming that they were continuing

without any jeopardy to their job, they submitted a representation dt. 15.11.2017 seeking implementation of 7th CPC recommended salary. This was not responded to by the respondents. However, pursuant to the letter dt. 25.07.2017 the impugned order dated 09.05.2018 was passed formally declaring closure of project with effect from 31.07.2016. It is submitted that the temporary engagement is sought to be terminated, the said engagement having been extended upto 30.06.2018. It has also been stated in the impugned order that no further extension shall be granted beyond 30.06.2018 and no further communication shall be entertained in this regard.

3. Learned counsel for respondents, Mr. S. Nagarajan appears suo-moto and takes notice for the respondents. He seeks short adjournment to file reply.

4. Heard the learned counsels and perused the records.

5. It is evident from the records that the impugned order dated 25.07.2017 was not known to the applicant which is why he had submitted the representation on 15.11.2017, along with some others seeking implementation of 7th CPC recommended salaries. No response was given to the above representation. After having been appointed in the year 2011, although on temporary engagement against a permanent post, the applicant should have been issued a notice regarding termination of their services following decision to declare

closure of project on 30.06.2018. This was warranted as per principles of natural justice.

6. It is also evident from the records that many similarly situated persons were regularized / promoted to higher posts. The respondents are bound to clarify that there was no case of discrimination vis-a-vis applicant.

7. Keeping the above observations in view and to meet the ends of justice, the applicant is permitted to file a representation with regard to his grievance within two days from the date of receipt of certified copy of this order. The representation shall be considered and a reasoned and speaking order shall be passed thereon in accordance with law by the 2nd respondent within a period of two weeks from the date of receipt of the representation. Till such time, no precipitatory action shall be taken against the applicant. The Tribunal has not gone into the merits of the case.

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

9. Certified copy of this order be issued by tomorrow.

(B. Bhamathi)
Member(A)
30.05.2018

SKSI