

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**CP 543/2018 in
OA 1452/2018**

This the 24th day of May, 2019

Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)

Sh. Amit Mann
S/o Sh. Raj Singh Mann,
H.No. 155,
Pocket 21, Sector -24, Rohini
Delhi-110085 ..Petitioner

(By advocate: Sh. S.S. Pillai for Sh. Ashwani Upadhyay)

Versus

1. Sh. Anshu Prakash, Chief Secretary
Govt. of NCT of Delhi,
Players Building,
IP Estate, New Delhi
2. Smt. Gitanjali Gupta
The Chairperson,
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area,
Karkardooma, Delhi

...Respondents

(By advocate: Sh. Anuj Kumar Sharma)

ORDER (ORAL)

By Hon'ble Mr. R.N. Singh, Member (J),

Heard Shri S.S. Pillai, proxy counsel for Sh. Ashwani Upadhyay, learned counsel for Petitioner and Sh. Anuj Kumar Sharma, learned counsel for respondents.

2. The present CP has been filed alleging willful and deliberate violation of the order dated 13.04.2018 of this

Tribunal in O.A. No. 1452/2018. The operative portion of the said order dated 13.04.2018, reads as under:-

“2. As the applicant has not been able to state clearly on which date the representation was sent to the respondents, speed post receipt being not traceable, we feel that it would be fit if we direct the applicant to make a fresh representation which may be decided by the respondents within a fixed time frame

3. Hence, the applicant is directed to submit a fresh representation within seven from today and the respondents are directed to decide the representation after receiving it within six weeks from the date of receipt of a certified copy of this order.

It is made clear that nothing has been commented on the merit of the case.”

3. In response to the notice issued by this Tribunal in the instant CP, the respondents have filed compliance affidavit on 04.02.2019 along with the order dated 08.01.2019.

4. Learned counsel for respondents submits that on 08.01.2019, the order has been passed by the respondents in compliance of the directions of this Tribunal in the aforesaid order dated 13.04.2018.

5. Para 3 of the order dated 08.01.2019 reads as follows:-

3. That the applicant has submitted the reminder dated 17.07.2018 for deciding his representation dated 20.04.2018 in respect of withholding of his result for the post of Grade-IV (DASS) (Post Code-68/12). In this regard it is informed that no representation dated 20.04.2018 was received in DSSSB as per record readily available.”

6. Learned counsel for the petitioner invites our attention to the paragraph 6 of the CP wherein the petitioner has asserted that he has sent a copy of the representation dated 20.04.2018 by speed post and in respect of his claim, the petitioner has annexed a copy of the postal receipt as Annexure-C-3 and he further asserts

that as per the track record in respect of the above postal receipt, the same was received by the respondents on 07.05.2018.

7. Learned counsel for the respondents submits that the respondents have not received a copy of such representation of the petitioner. In the facts and circumstances, the learned counsel for the petitioner has supplied a copy of such representation dated 20.04.2018 to the learned counsel for the respondents who acknowledge, receipt of the same and undertakes that the same shall be considered by the respondents within six weeks from today by passing a reasoned and speaking order thereon.

8. In view of the above, the CP is closed and notices issued to the respondents are discharged. However, the petitioner shall be at liberty to get the C.P. revived by way of filing an M.A., in case the directions of this Tribunal are not complied with even within the extended time. No costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/daya/