

Central Administrative Tribunal Principal Bench

OA- 12/2019

New Delhi, this the 18th day of February, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Sh. Pradeep Kumar Singh,
Aged about 28 years, Group 'C',
Security Assistant (Motor Transport)
S/o Sh Bhagawati Singh,
R/o H.No.C-20, Gali No.3/2 Near Durga Mandir,
Ankur Enclave, Phase-I, Karawal Nagar,
Delhi-94 - Applicant

(By Advocate: Mr. A.K. Bhakt)

Versus

Union of India & Anr.

Through

1. The Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi
2. The Director,
Government of India,
Intelligence Bureau,
35, Sardar Patel Marg,
New Delhi

(By Advocate: Mr. Hanu Bhaskar)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

This Original Application (OA) has been filed by the applicant, claiming the following reliefs:-

“(I) quash and set aside the impugned Memorandum dated 10.03.2018 and to direct the respondents to grant Offer of appointment

letter to the applicant for the post of the Security Assistant (Motor Transport).

- (II) Direct the respondents to issue appointment letter to the applicant and consider his joining from the date of joining of the immediate junior of the applicant with all consequential benefits.
- (III) to direct the respondents to produce the entire relevant records pertaining to this matter for proper adjudication.
- (IV) To award exemplary cost on the respondent for causing undue harassment.
- (V) To pass any other order(s) which this Hon'ble Tribunal deem fit & proper in the facts and circumstances of this case.”

2. Mr. Hanu Bhaskar, learned standing counsel, appears on advance notice for the respondents.

3. This is the second round of litigation. In the OA No. 4497/2017, the Tribunal, vide its order dated 19.12.2017, had directed as under:-

“3. Under these circumstances, the OA is disposed of at the admission stage, without going into the merits of the case, directing the respondents to decide the representation dated 03.10.2017 of the applicant within a period of six weeks' from the date of receipt of a certified copy of this order. However, the applicant will be at liberty to take appropriate remedies, if he so desires.”

4. Subsequent to this direction, the impugned order dated 10.03.2018 has been passed by the respondents which reads as under:-

“Memorandum

This is with reference to your representation dated 03.10.2017 regarding delay in appointment for the post of SA/MT in this office.

2. As per the directions of IB Hqrs., New Delhi the candidate namely Pradeep Kumar Singh, after comprehensive scrutiny of his testimonials of educational qualification, has not been found fit for the post of Security Assistant/Motor Transport in IB and hence, his candidature has already been cancelled.”

5. Para 2 of the above order is opaque and vague and does not inform of the reasons for finding the applicant ‘unfit’ for the post of Security Assistant/Motor Transport in IB.

6. In view of the above, the respondents are directed to pass a detailed and speaking order with regard to the deficiencies because of which the applicant cannot be considered for appointment in their organization, within a period of 90 days from the date of receipt of a certified copy of this order.

7. With the above directions, the OA stands disposed of. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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