

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(6)

OA No. 308/2003

New Delhi, this the 14th day of November, 2003

Hon'ble Shri Shanker Raju, Member (J)

Shri Raivir Singh,
Ex-Casual Employee CDA (R&D),
C/o R-10/C, Old Uttam Nagar,
Opposite Bank of Baroda,
New Delhi - 110 059.Applicant

(By Advocate: Shri E.J. Verahese)

Versus

1. The Controller General of Defence,
Accounts,
West Block V, R.K. Puram,
New Delhi - 110 066.
2. The Controller of Defence,
Accounts (R&D) "L" Block,
New Delhi - 110 011.Respondents

(By Advocate: Smt. Avinash Kaur)

ORDER (ORAL)

The respondents' counsel, placing reliance under Article 311 of the Constitution of India as well as Section 14 of the A.T. Act, 1985, has taken a preliminary objection that the present OA is not maintainable on account of non-impleadment of Union of India as a party. In my considered view, when the earlier directions were issued, the said preliminary objection was not taken and as such the directions have to be complied with by disposing of the representation of the applicant. Moreover, the directions issued in this OA are to be carried out by the present respondents i.e. Respondents nos. 1 & 2. In that event, the objection taken by the respondents is overruled.

2. Earlier in pursuance of directions to consider the claim of the applicant, who had filed several OAs, OA No. 2520/2002, being the last one, by an order dated 9.10.2002 directions were issued in the light of the decision of DOP&T OM dated 10.09.1993 which is a one time measure to consider his case for regularisation and re-engagement independent of Scheme dated 10.09.1993, the only scheme which is subsisting in the light of clause 10 of the DOP&T Scheme of 10.09.1993

3. From the perusal of the order passed on representation by the respondents dated 12.11.2002 it transpired that the claim of the applicant has been considered mainly on the basis of OM dated 10.09.1993 and there is no application of mind to the earlier instructions as referred to above ibid. In the result, OA is partly allowed. Impugned order is quashed and set aside. Respondents are directed to consider the claim of the applicant for regularisation in accordance with rules and instructions and in the light of DOP&T OM dated 7.6.1988 and pass a detailed and speaking order within three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

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