

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2079/2003

New Delhi, this the 5th day of September, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

Smt. Asha Verma  
D/o Sh. Madan Lal  
W/o Sh. Jitendra Kumar Kanujia  
R/o 1-1/13, New Mohan Puri, now  
C/o Mr. Sandeep Kumar, H.No.267  
Gali No.5, Anganwari School, Subhash  
Nagar, Meerut.

...Applicant.  
(By Advocate Sh. Atul Kumar, learned  
proxy counsel for Sh. V.P.S.Tyagi)

V E R S U S

1. Union of India through  
Secretary  
Ministry of Defence, South  
Block, New Delhi.
2. The Controller General of Defence Accounts  
West Block - V, R.K.Puram, New Delhi.
3. The Controller of Defence Accounts (PD)  
Belvadier Complex, Meerut Cantt.

...Respondents

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

Heard the learned proxy counsel for the  
applicant.

2. Applicant seeks certain directions  
regarding her re-engagement as casual labourer, grant  
of temporary status and other benefits in terms of  
DOP&T OM dated 10-9-93. Learned counsel submits that  
on the particular cut-off date, as provided under the  
DOP&T Scheme of 1993 read with the judgement of the  
Hon'ble Supreme Court in Union of India Vs. Mohan Pal  
(2002 (4) SCALE 216), the applicant was engaged. He  
also relies on the letters issued by the respondents  
dated 3-2-99 and 31-5-2002 on the subject of  
engagement of casual labourers (Annexure A-2 & A-3).

In this regard, learned counsel submits that applicant had submitted a representation on 12-8-2002 for consideration of her case for re-engagement and other benefits due to her under the aforesaid DOPT Scheme of 1993. Her grievance is that nothing has been heard from the respondents in furtherance of their aforesaid letters nor have they disposed of the applicant's representation dated 12-8-2002. Learned counsel has, therefore, submitted that he would be satisfied if a direction is given to the respondents to consider the applicant's claims and dispose of her aforesaid representation in accordance with relevant law, rules and instructions, including the letters mentioned above.

3. Taking into account the facts and submissions made by the learned counsel for the applicant as well as the letters issued by the respondents themselves dated 3-2-99 and 31-5-2002 on the subject of engagement of casual labourers, one would have expected that the respondents themselves would have considered the applicant's claim for re-engagement as a casual labourer as she had been informed that, that will be done on priority basis as and when the next available vacancy arises. Indeed, atleast after receipt of the aforesaid representation of the applicant in August, 2002, the respondents ought to have considered her claims and disposed of the representation by a reasoned and speaking order, which according to learned counsel has not been done so far. This inaction on the part of the respondents has led to the applicant filing this OA.

4. In view of what has been stated above, it is considered appropriate, even without issuing notice to the respondents, in the interest of justice to dispose of this OA with the following directions :-

- (i) Respondents Nos. 2 & 3 shall consider the applicant's aforesaid representation dated 12-8-2002, together with the grounds taken by the applicant in the present application in accordance with law, rules and instructions. They shall dispose of the same by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order, with intimation to the applicant.
- (ii) Let a copy of this order together with copy of the OA be sent to the respondents No. 2 & 3 to enable them to do the needful.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)  
Vice-Chairman (I)

/vks/