

(2021) 08 CAT CK 0021

In the Central Administrative Tribunal

Case No : Original Application No. 2471 Of 2016

Bhupendra Rawat & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2021) 08 CAT CK 0021

Hon'ble Judges : R.N. Singh, Member (J); Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Sachin Chauhan, G.S. Virk

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

(Through Video Conferencing)

1. The applicants have approached this Tribunal by way of the present Original Application filed under Section 19 of the Administrative Tribunals Act,

1985, praying for the following reliefs:-

8.1 To direct the respondents to filling up the vacancy reserved in the grade of LDC through LDCE (Limited Departmental Competitive

Vacancies) among the eligible Group D' employees be calculated on the basis of Model RRs of LDC issued by DoPT and further the applicants be

declared successful in the LDCE (Limited Departmental Competitive Vacancies) conducted on 09.01.2016 and further be considered for promotion

on preferential basis in respect of future vacancies to be fallen vacant to be filled up through Limited Departmental Competitive Examination with all

consequential benefits including seniority & promotion and pay & allowances.

8.2 To direct the respondents to amend the RRs in line with the Model RRs to the post of LDC being circulated by the Cadre Controlling Ministry for

LDCs i.e. DoPT causes great prejudice to the applicants as in the Model RRs 10% of the vacancies are being granted for LDCE (Limited

Departmental Competitive Examination) for Group 'D' employee.

Or/and

i) Any other relief which this Hon'ble Court deems fit and proper may also awarded to the applicant.â??

2. Pursuant to notice from this Tribunal, the respondents have filed their reply and the applicants have also filed their rejoinder.

3. At the outset, learned counsels for the parties submit that during the pendency of the OA, the applicantsâ?? prayer in para 8.2 above has already been granted by the respondents.

4. Learned counsel for the applicants Shri Chauhan submits that keeping in view the grant of the relief as sought in para 8.2 of the OA, the

respondents were required to consider the claim of the applicants as made in para 8.1 also. In this regard as well, the applicants have submitted their

individual representations (Annexure A/1 Colly) which are still pending consideration of the respondents. He further adds that the applicantsâ??

claim in para 8.1 of the OA is further substantiated in view of a note of amended Recruitment Rules.

5. In view of the aforesaid, with the consent of learned counsels for the parties, without going into the merit of the claim of the applicants, the present

OA is disposed of with direction to the respondents to consider the claim of the applicants as raised in their aforesaid pending representations

(Annexure A/1 Colly) and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within eight

weeks of receipt of a copy of this Order.

6. The OA is disposed of in the aforesaid terms. No costs.