

(2020) 10 CAT CK 0106

In the Central Administrative Tribunal

Case No : Original Application No. 1493 Of 2020

Bijendra Kumar

APPELLANT

Vs

Indian Council Of Medical Research & Others

RESPONDENT

Date of Decision : 19-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0106

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

Bench : Division Bench

Advocate : Apurb Lal

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The applicant is stated to have been engaged on daily wage basis as Laboratory Assistant under the respondents on 30.09.1997. He approached this Tribunal earlier vide OA No.1907/2000, seeking regularisation of his services as Laboratory Assistant and on 15.05.2001 the said OA was disposed of with a direction to the respondents to consider the claim of the applicant for regularisation as Laboratory Assistant, as expeditiously as possible. Shri Lal, learned counsel for applicant submits that in pursuance of the aforesaid direction of this Tribunal, the applicant was interviewed by the respondent No.2 for the purpose of regularisation and the applicant was appointed as Laboratory Assistant w.e.f. 21.11.2008. The learned counsel for the applicant argued that as the applicant was initially engaged in September, 1997 and keeping in view the OM of 17.02.2020 (Annexure-A/3), the applicant is entitled to be considered for being regulated, in accordance with old pension scheme.

2. However, it is an admitted case of the applicant that till date, the applicant has not raised such claim before the respondents by way of any representation or in view of the aforesaid OM dated 17.02.2020 (Annexure-A/3).
3. In view of the aforesaid, at this stage, Shri Lal, learned counsel for applicant submits that the applicant shall be satisfied if the present OA is disposed of, at this very stage, with a liberty to the applicant to make an appropriate representation, agitating his grievance, as raised in the present OA within two weeks with a direction to the respondents to consider such representation in a time bound manner.
4. We are of the considered view that if such a request of the applicant through his counsel is accepted, no prejudice is likely to be caused to the respondents.
5. In view of the aforesaid, without going into the merits of the claim of the applicant, we dispose of the present OA with a liberty to the applicant to make an appropriate representation within 2 weeks from the date of receipt of copy of this order and it is directed that on receipt of such a representation, the respondents shall consider and dispose of the same by passing a reasoned and speaking order, as expeditiously as possible and in any case, within 10 weeks from receipt of such representation from the applicant.
6. The OA is disposed of in the aforesaid terms. No orders as to costs.