

(2022) 08 CAT CK 0007

In the Central Administrative Tribunal

Case No : Original Application No. 1213 Of 2014

Sohan Lal

APPELLANT

Vs

Bharat Sanchar Nigam Limited & Others

RESPONDENT

Date of Decision : 05-08-2022

Acts Referred:

Citation : (2022) 08 CAT CK 0007

Hon'ble Judges : Pratima K Gupta, Member (J)

Bench : Single Bench

Advocate : Pankaj Srivastava, D.S. Shukla

Final Decision : Disposed Of

Judgement

Pratima K. Gupta, Member J

1. Shri Pankaj Srivastava, Id. counsel for the applicant and Shri D.S. Shukla, Id. counsel for the respondents are present.

2. In the present O.A., the applicant is aggrieved by the impugned order dated 11.06.2014 which reads as under: -

"BHARAT SANCHAR NIGAM LIMITED

O/o General Manager Telecom District, Aligarh.

To,

Sh. Sohan Lal (RM)

O/o GMTD, Aligarh

No: GMTD/Alg/E-1/TSM/Regularization/KW/2013/05 Dated: - 11.06.2014

Sub: - Request to issue presidential order.

Ref: - Your application dated 16.05.2014

In reference to your application dated 16.05.2014, it is intimated that you are BSNL appointee, so issue of presidential order is not required.

ADT (HRD)

O/o GMTD, Aligarh"

3. The applicant, in the present O.A., has sought the following relief(s): -

"i. to quash/set aside the impugned order dated 11.6.2014 (filed as Annexure No. A-1 with Compilation-I to this Original Application) passed by the respondents – department;

ii. to direct the respondents – department to issue the presidential order to the applicant treating him to have been regularized with effect from 2000;

iii. to issue any other order or direction which this Hon'ble Court may deem fit and proper;

iv. to award cost of the original application to the Applicant."

4. Brief facts of the case are that the applicant was appointed as casual labour in the year 1986 and subsequently granted temporary status on 18.10.2000. Thereafter, the services of the applicant were regularized by order dated 31.12.2001. Ld. counsel for the applicant submits that as the applicant had not been issued a presidential order with regard to his regularization, the applicant had preferred a representation dated 16.05.2014. However, the respondents vide impugned order has not acceded his request.

5. Ld. counsel for the respondents has filed the counter affidavit and draws my attention to appointment order dated 31.12.2001 of the applicant, which is annexed as Annexure-C with counter affidavit.

6. At this stage, Ld. counsel for the applicant submits that the impugned order dated 11.06.2014 is a non speaking order hence, cannot be sustained. He further submits that the applicant would be satisfied if a direction is given to the respondents to decide his representation dated 16.05.2014 afresh within the stipulated time by passing a reasoned and speaking order.

7. After a perusal of the impugned order, it is clear that the same is a non-speaking order and does not disclose any reason for non-issuance of the presidential order. Accordingly, this Tribunal is of the view that no purpose would be served in keeping pending this O.A. as the applicant is confining his relief up to disposal of his representation by passing a reasoned and speaking order.

8. Accordingly, the impugned order dated 11.06.2014 is set aside with a direction to the competent authority amongst the respondents to decide the representation dated 16.05.2014 afresh by passing a reasoned and speaking order within a period of 03 months from the date of this order.

9. With the above directions, the O.A. stands disposed of.

10. No order as to cost.