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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 740/2002
M.A. NO. 632/2002

This the 24th day of February, 2003

HON'BLE SHRI JUSTICE V. S. AGGARWAL, CHAIRMAN
HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1. M.C.Sharma S/O K.R.Sharma,
R/O D-4 Ganga Vihar, Delhi-94.
2. L.P.Bhatt S/O M.D.Bhatt,
R/O C-120 Sarojini Nagar,
New Delhi.
3. Anil Verma S/O S.B.Verma,
R/O 9-K Vasant Kunj, New Delhi.
4. N.C.Rai S/O Amar Singh,
R/O G-2/11 Sector 15,
Rohini, Delhi.
5. V.K.Saldhi S/O C.D.Saldhi,
R/O E-62, Moti Bagh-I,
New Delhi.

... Applicants

(By Shri U.Srivastava, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.
2. Secretary,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi.
3. Joint Secretary (Trg) & CAO,
Ministry of Defence,
C-II Hutmants,
New Delhi.

... Respondents

(By Shri M.M.Sudan, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

M.A. No.632/2002 for joining in a single
application is granted.

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Applicants had joined with respondents as Statistical Assistants. On rationalisation of pay scales of Electronic Data Processing (EDP) posts, Data Entry Operators Grade-C (DEO-C) were given the pay scale of Rs.1400-2300. EDP posts in the Armed Forces Headquarters (AFHQ) and Inter Services Organisations under the administrative control of respondent No.3 were restructured vide respondents' letter of 6.12.1994. Vide this letter, DEO-D who possess specified educational/professional qualifications are entitled for placement in the grade of Data Processing Assistants Grade-B (DPA-B). Those not possessing these qualifications, were to be placed in the grade of DPA-A carrying the same pay scale as that of DEO-D. This placement was provided as a one-time measure and the future promotions to the restructured grades were to be made as per the recruitment rules to be framed for this purpose. Six DEO-D who fulfilled the required qualifications were placed in the grade of DPA-B w.e.f. 4.10.1994 ~~19.10.1994~~ vide respondents' letter of 21.2.1997 (Annexure A-3). This placement was challenged by 17 DEO-D who were denied such placement on account of lack of requisite educational qualifications, in OA No.2520/1997 : **Jagpal Singh & Ors. v. Union of India & Ors.** This Tribunal in its order dated 10.12.1998 directed the respondents to consider the claims of those applicants in the light of observations of the Tribunal in order dated 27.7.1998 in OA No.1243/1997 : **Hiramani Semwal & Ors. v. Union of India & Ors.** and to give the applicants in the said OA consequential benefits in accordance with law.

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2. In OA No.1243/1997, the placement of DEO-B as DPA-A on the basis of educational qualifications in terms of respondents' letter of 6.12.1994 was challenged. This Tribunal in its order of 27.7.1998 quashed and set aside the letter dated 6.12.1994. The action taken by respondents based on letter of 6.12.1994 for placement/promotion of EDP personnel which adversely affected the rights of applicants in the OA was held to be untenable and illegal. Respondents were directed to consider the applicants' cases for promotion in terms of the existing recruitment rules and re-consider the issues in the light of the observations made in the order, within a period of three months. In pursuance of the Tribunal's order dated 10.12.1998 in OA No.2520/1997, respondents cancelled placement order dated 21.2.1997 vide letter dated 17.3.1999 (Annexure A-6). Applicants in the present OA were affected by such cancellation. Three of the applicants were promoted as DPA-B by holding year-wise DPCs in accordance with the recruitment rules. Aggrieved by cancellation of the placement order, six DEO-D (including the present applicants) filed OA No.1816/1999: N.C.Rai & Ors. v. Union of India & Ors. challenging the order of reversion. The Tribunal vide its order dated 16.5.2000 quashed respondents' order dated 17.3.1999 as follows :

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"7. Under the circumstances the impugned orders dated 17.3.99 are quashed and set aside. In the event Respondents intend to revert the applicants pursuant to the aforesaid orders of the Tribunal, they shall do so only after applicants are given a reasonable opportunity of being heard and disposing of the legal notice dated 26.5.99 (Annexure A-4) filed by them by detailed, speaking and reasoned order under intimation to applicants."

Respondents issued a show cause notice to applicants vide order dated 25.7.2000 (Annexure A-8). On receiving representations from applicants, respondents vide impugned order Annexure A-1 dated 8.3.2001 decided to revert applicants to the grade of DEO-D w.e.f. 17.3.1999 before the date of holding the DPC for implementation of the directions of the Tribunal in OA No.2520/1997.

3. The learned counsel of applicants contended that although respondents have issued a show cause notice to applicants in compliance with the Tribunal's order dated 16.5.2000, respondents should have reinstated applicants in the grade of DPA-B and then considered the issue of reversion to the grade of DEO-D. In this view of the matter, the learned counsel of applicants contended that order dated 8.3.2001 (Annexure A-1) should be quashed and set aside and the consequential benefits should be allowed to applicants.

4. On the other hand, the learned counsel of respondents submitted that directions in OA-2520/1997 warranted consideration of applicants as per the provisions of recruitment rules. As such, placement orders had to be cancelled in order to consider applicants for promotion as DPA-B as per their eligibility in accordance with the provisions of recruitment rules. He further stated that respondents have given reasonable opportunity to applicants before passing the impugned order of 8.3.2001. He also stated that reversions have taken place without effecting any

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recoveries from applicants. Three applicants have already been promoted as DPA-B on the basis of the recommendations of the DPC held in accordance with the recruitment rules.

5. We have considered the rival contentions. We find that respondents have reverted applicants after issuing show cause notice in implementation of the directions of the Tribunal and without effecting any recoveries from them. They have also been considered and three of the applicants promoted as well on the basis of recommendations of the DPC held in terms of the recruitment rules and in compliance of the directions of this Court. From the facts and circumstances of the case, in our considered view, no prejudice has been caused to applicants by impugned order dated 8.3.2001, even though applicants were not reinstated as DPA-B.

6. In the result, for the reasons given above, we do not find any infirmity in the action of respondents contained in the impugned order Annexure A-1 dated 8.3.2001. Thus, this OA must fail being devoid of merit. Ordered accordingly. No costs.

V. K. Majotra

(V. K. Majotra)

Member (A)

/as/

V. S. Aggarwal

(V. S. Aggarwal)

Chairman