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Central Administrative Tribunal, Principal Bench

O.A.No.2004/2002

M.A.No.1643/2002

New Delhi, this the 1st day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman

Hon'ble Mr. S.A.T. Rizvi, Member (A)

1. **Smt. P. Padmavati,**
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 2. **V.K. Khanna-I,**
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 3. **U.S. Virmani,**
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 5. **S. P. Sood,**
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 6. **Shashi Kant,**
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7. **O. P. Wadhwa,**
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12. **Smt. Suman Lata,**
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14. **Rajeswar Kumar,**
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15. **Chakochan Y.,**
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16. **Sadhu Ram,**
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17. **K.G. Verma,**
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18. **R.K. Saxena,**
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19. **Smt. Radha Vasudevan,**
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20. **Rajendra Prasad,**
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21. **Smt. V.V. Snehlata,**
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23. **Raj Kanwal Manku,**
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24. **S. K. Mehta,**
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25. **Gulshan Manocha,**
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28. **Shyam Lal,**
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29. **Prem Prakash**
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30. **V.K. Sharma,**
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31. Sushil Kumar Kapoor
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....Applicants

(By Advocate: Shri Sanjay Kumar Das)

Versus

1. Union of India
through the Secretary,
Department of Health
Ministry of Health and Family Welfare,
Nirman Bhawan, Maulana Azad Road,
New Delhi-11

2. Director General Health Services
Department of Health
Ministry of Health and Family Welfare,
Nirman Bhawan, Maulana Azad Road,
New Delhi-11

3. Secretary,
Ministry of Statistics & Programme Implementation
Sardar Patel Bhawan, Sansad Marg,
New Delhi-1

....Respondents

O R D E R (ORAL)

By Mr. S.A.T. Rizvi, Member (A)

M.A.No.1643/2002 for joining together in a
single OA, is allowed.

2. Applicants herein were appointed as Computers
on various dates between 1964 and 1980. A number of them
were promoted as Statistical Assistants on ad-hoc basis
between 1966 and 1987. Those appointed on ad-hoc basis
were subsequently regularised on various dates between 1967
and 1987. Thereafter several applicants were promoted as
Investigator (Statistics) on ad-hoc basis between 1981 and
1988. Several of them were later regularised between 1989
and 2000. However at this stage, the benefit of seniority
computed from the date of appointment on ad-hoc basis was

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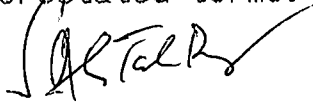
not granted. Such benefit has been granted, according to the learned counsel, in the cases relating to the Superintendents of NSSO and the Senior Investigators of the CSO. The final seniority list of Investigators (Statistics) issued by the respondents on 20.12.2001 shows that the benefit of the years of service rendered on ad-hoc basis has not been extended to the applicants who have thereby lost seniority. Similarly another seniority list ^{namely the} of Statistical Assistants has been issued by the respondents on 10.6.2002 wherein again the applicants have not been given their due place. The reason is the same as in the case of Investigators (Statistics). That is ^{to say that} ~~for~~ the benefit of ad-hoc service has not been granted to the applicants. The outcome of the loss of seniority thus suffered by the applicants whether as Statistical Assistants or Investigators (Statistics) is that they have not been able to find proper places as members of the Subordinate Statistical Service constituted on 12.2.2002. Insofar as the applicants' promotion to the posts of Investigator (Statistics) is concerned, the respondents have negatived their plea for the grant of promotion with retrospective effect by counting the services rendered on ad-hoc basis. Letters ^{such} as those placed at Annexure A-9 (collectively) dated 8.7.2002 have been issued to all the applicants by stating that giving of retrospective effect in the matter of promotion was not possible on account of the provisions made in the DOP&T office memorandum dated 10.4.89. In this way, the matter regarding promotion from a retrospective date gets settled and the applicants have no grievance in that regard. They are on the other hand

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worried on account of loss in seniority suffered by them and consequently they are not being treated as members of the Subordinate Statistical Service appropriately by taking into account the service rendered by them on ad-hoc basis.

3. In a nutshell, therefore, the applicants are aggrieved by the respondents not taking into account the continuous period of officiation in the posts of Statistical Assistants and Investigator (Statistics) for grant of seniority. No formal representation has, however, been filed against the aforesaid grievance. The learned counsel appearing on behalf of the applicants, in the circumstances, seeks a direction to be issued to the respondents to consider the matter and decide the same expeditiously.

4. Having regard to the submissions made by the learned counsel, we find that the interests of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to treat the present OA as a representation made on behalf of the applicants, ^{and} to consider the same and to pass a speaking and a reasoned order thereon expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly. O.A. is disposed of in the aforesaid terms.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/dkm/

from Mr. Rizvi's 2 hrs
CP 3/01