

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,**  
W/o Shri P. Ravi Babu,  
Investigator (Statistics),  
PA Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
424-C, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
2. **V.K. Khanna-I,**  
S/o Late Shri R.C. Khanna,  
Investigator (Statistics),  
Department of Family Welfare,  
Ministry of Health and Family Welfare,  
502-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
3. **U.S. Virmani,**  
S/o Late Shri Ishar Singh,  
Investigator (Statistics),  
T.O. Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
413-D, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
4. **Pishori Lal,**  
S/o Shri Dewan Chand,  
Investigator (Statistics),  
A.P. Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
5. **S. P. Sood,**  
S/o Late Shri Pyare Lal Sood,  
Investigator (Statistics),  
A.P. Section Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
6. **Shashi Kant,**  
S/o Shri M.N. Sharma,  
Investigator (Statistics),  
Bureau of Planning, DGHS, Ministry of Health and Family Welfare,  
748-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

7. **O. P. Wadhwa,**  
S/o Shri Dayanand Wadhwa,  
Investigator (Statistics),  
RCH (DC) Division, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
8. **Surendra Kumar,**  
S/o Shri D.P. Jain,  
Investigator (Statistics),  
CC&V Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
9. **Dharam Pal,**  
S/o Late Shri Chandu Lal,  
Investigator (Statistics),  
TDP Cell, DGHS, Department of Health,  
Ministry of Health and Family Welfare,  
542-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
10. **V.K. Khanna-II,**  
S/o Late Shri R.L. Khanna,  
Investigator (Statistics),  
P.A. Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
11. **S. S. Tony,**  
S/o Shri S.S. Tony,  
Investigator (Statistics),  
S.S. Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
12. **Smt. Suman Lata,**  
W/o Shri K.K. Sharma,  
Investigator (Statistics),  
P & E Cell, Department of ISM & Homeopathy,  
Ministry of Health and Family Welfare,  
204, Indian Red Cross Society Annex Building, New Delhi-110001.
13. **M.S. Chahar,**  
S/o Late Shri Shiv Singh,  
Investigator (Statistics),  
N.M. Section, Department of Family Welfare.  
Ministry of Health and Family Welfare,  
512-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
14. **Rajeswar Kumar,**  
S/o Shri K.L. Bassi,  
Investigator (Statistics), CBHI, DGHS,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

15. **Chakochan Y.,**  
S/o Shri C. Yohannan Kutty,  
Investigator (Statistics),  
Statistics Division, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
16. **Sadhu Ram,**  
S/o Shri Nand Lal,  
Investigator (Statistics),  
S.S. Section, Department of Family Welfare,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
17. **K.G. Verma,**  
S/o Late Shri Ram Kishan,  
Investigator (Statistics),  
Department of Family Welfare,  
Ministry of Health and Family Welfare,  
509-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
18. **R.K. Saxena,**  
S/o Shri P.M. Saxena,  
Investigator (Statistics),  
Bureau of Planning, DGHS,  
Ministry of Health and Family Welfare,  
748-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
19. **Smt. Radha Vasudevan,**  
W/o Shri M.V. Vasudevan,  
Statistical Assistant,  
NCD Section, DGHS, Department of Health,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
20. **Rajendra Prasad,**  
S/o Shri Gur Dayal,  
Statistical Assistant,  
Department of Family Welfare,  
Ministry of Health and Family Welfare,  
551-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
21. **Smt. V.V. Snehlata,**  
W/o Shri T.R. Neelakandhan,  
Statistical Assistant,  
Department of Family Welfare,  
Ministry of Health and Family Welfare,  
508-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.
22. **K.K. Sharma,**  
S/o Late Shri R.L. Sharma,  
Statistical Assistant,  
NACO, Department of Health, Ministry of Health and Family Welfare,  
9<sup>th</sup> Floor, Chandralok Building, 36, Janpath, New Delhi-110011.

23. **Raj Kanwal Manku,**  
 S/o Late Shri N.K. Manku,  
 Statistical Assistant,  
 Department of Family Welfare,  
 Ministry of Health and Family Welfare,  
 Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

24. **S. K. Mehta,**  
 S/o Late Shri V.D. Mehta,  
 Statistical Assistant,  
 P & E Cell, Department of ISM & Homeopathy,  
 Ministry of Health and Family Welfare,  
 Indian Red Cross Society Annexe Building, New Delhi-110001.

25. **Gulshan Manocha,**  
 S/o Late Shri S.L. Manocha,  
 Statistical Assistant, C.C. & N.D.S. Section,  
 Department of Family Welfare, Ministry of Health and Family Welfare,  
 510-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

26. **Avinash Kumar,**  
 S/o Shri R.P. Tandon,  
 Statistical Assistant,  
 AP Section, Department of Family Welfare,  
 Ministry of Health and Family Welfare,  
 516-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

27. **R.C. Kakkar,**  
 S/o Late Shri Ganpat Rai Kakkar,  
 Statistical Assistant,  
 C.C. & N.D.S. Section, Department of Family Welfare,  
 Ministry of Health and Family Welfare,  
 510-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

28. **Shyam Lal,**  
 S/o Late Shri R.R. Taneja,  
 Statistical Assistant,  
 Statistical Division, Department of Family Welfare,  
 Ministry of Health and Family Welfare,  
 Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

29. **Prem Prakash**  
 S/o Shri M.M. Sharma,  
 Statistical Assistant,  
 Ophthalmology Section, DGHS,  
 Ministry of Health and Family Welfare,  
 647-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

30. **V.K. Sharma,**  
 S/o Shri P.K. Sharma,  
 Statistical Assistant,  
 Leprosy Section, DGHS,  
 Ministry of Health and Family Welfare,  
 551-A, Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

31. Sushil Kumar Kapoor  
S/o Shri K.N.Kapur  
Statistical Assistant  
S.S.Division, Department of Family Welfare  
Ministry of Health & Family Welfare  
551-A, Nirman Bhawan, Maulana Azad Road,  
New Delhi-11

....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

(2)

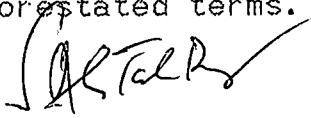
not granted. Such benefit has been granted, according to the learned counsel, in the cases relating to the Superintendents of NSSO and the Senior Investigators of the CSO. The final seniority list of Investigators (Statistics) issued by the respondents on 20.12.2001 shows that the benefit of the years of service rendered on ad-hoc basis has not been extended to the applicants who have thereby lost seniority. Similarly another seniority list ~~namely~~ <sup>as to say take</sup> 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 ~~that~~ 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 <sup>such</sup> 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

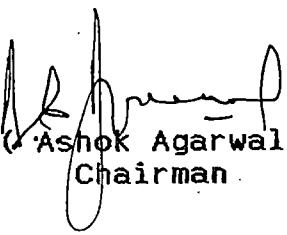
DN

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, <sup>and</sup> 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 aforesated terms.

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

  
( Ashok Agarwal )  
Chairman

/dkm/

new ms 30/07/2005  
C 3/01