

Central Administrative Tribunal
Principal Bench

OA No.2173 of 2002

New Delhi, this the 13th day of February, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V.K. Majotra, Member (A)

1. Smt. Sushma Suri,
W/o Shri L.K. Suri,
R/o 975/9, Govindpuri,
New Delhi-110019.
2. Shri G.M. Bhattacharyya,
S/o Shri I.M. Bhattacharyya,
R/o E-997, C.R. Park,
New Delhi-110019.
3. Shri A.K. Ojha,
S/o Shri M.L. Ojha,
R/o 537, Sector-1,
R.K. Puram,
New Delhi-110022.
4. Shri N.P. Singh,
S/o Shri Hori Singh,
393, Sector-112,
R.K. Puram,
New Delhi-110022.
5. Shri Gurbhaj Singh,
S/o Shri Narain Singh,
R/o E-248, DDA Colony, Khayala,
Near Tilak Nagar,
New Delhi-110018.
6. Shri R.P. Sharma,
S/o Shri S.R. Sharma,
R/o 91, Parmarth Apartment,
Vikaspuri, New Delhi-110018.
7. Shri R.K. Verma,
S/o Shri K.C. Verma,
R/o W-2-73/7/D, Sant Garg,
Tilak Nagar,
New Delhi-110018.
8. Smt. Rata Bhattacharyya,
W/o Shri G.M. Bhattacharyya,
R/o E-997, C.R. Park,
New Delhi-110019.
9. Shri S.C. Rakheja,
S/o Shri R.C. Rakheja,
R/o 61-A/L, New Colony,
Palwal, Faridabad (Haryana).
10. Shri Alok Kr. Saxena,
S/o Shri Salik Ram Saxena,
R/o 50, Sector - IV, Pocket-9,
Block-B,
Rohini, New Delhi.

11. Shri Pradeep Joshi,
S/o Shri D.N. Joshi,
R/o 767, Lodhi Road Complex,
New Delhi-110003.Applicants.

(By Advocate : Shri Soumitra Ghose Chaudhuri with
Ms. Seema Sharma and Sh. Ashish Suman)

Versus

1. Union of India
Through Secretary to the Govt. of India,
Ministry of Science & Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi.
2. The Surveyor General of India
Post Box No.37,
Hathi Barkhala Estate,
Dehradun (Uttaranchal).
3. The Director of Survey of India
West Block No.4,
Wing No.4, 2nd Floor,
R.K. Puram,
New Delhi.Respondents

(By Advocate Shri M.M. Sudan)

ORDER (ORAL)

By Hon'ble Shri Justice V.S. Aggarwal, Chairman :

MA-155/2003

Learned counsel for applicants conceded that if OA 2173/2002 is heard at the earliest, he does not press for the relief claimed in the MA. Learned counsel for respondents has no objection. It is conceded at the Bar that the original application may be heard today. Accordingly MA is disposed of.

OA No.2173/2002

The applicants, 11 in number, by virtue of the present application seek that they should be extended the benefit of the decision of this Tribunal in

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(3)

OA-528/1993, decided on 15.2.1999 and respondents should be further directed to revise the dates of promotion/confirmation and also the pay scales with consequential benefits. They also pray that respondents should work out the arrears due to applicants as have been paid to other similarly situated persons.

2. Some of the relevant facts are that the applicants were recruited as Trainee Type 'B' after having undergone written test and interview. The training has to be undergone as per the recruitment rules. It is contended by applicants that certain similarly situated persons had filed OA-528/93, which was allowed by this Tribunal on 15.2.99 and following orders have been passed:

"We, therefore, hold that the respondents shall consider the period of training also in reckoning seniority. We further direct the respondents to apply such of the principles as would be suitable to the respondents department from the orders of the Ministry of Personnel and Training in OM No.22011/7/86-Estt.(D) dated 3.7.1996 to be found in Swamy's Complete Manual on 'Establishment and Administration' for Central Government Officers, Fifth Edition-1996 at page 494 onwards. The Ministry of Personnel had spelt out with illustrations as to how to work out the seniority of direct recruits and promotees. The respondents shall carefully consider and redefine the principle on which seniority be based between the applicants and the promotees. After laying down the principle a draft seniority list be circulated giving three weeks' time to the contending groups to state their objections and thereafter finalise the seniority list. The whole exercise should be completed within a period of six months from the date of receipt of a copy of this order. The OA is

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disposed of with the above directions. No costs."

3. Needless to state that application as such has been contested.

4. Our attention has been drawn by the learned counsel for applicants towards the letter of the Superintending Surveyor for Surveyor General, addressed to the Director, Survey (AIR) when attention to the earlier decision of the Tribunal had been drawn. It had been pointed that benefit of the same can only be granted to the contending group, namely, those who were parties to the earlier original application.

5. More often than not, it has been observed by this Tribunal that it is not open for the respondents to take such frivolous plea if a particular class of persons had been granted a relief then it should be made applicable to all and they should not be treated in a manner that all of them have to approach the Tribunal by filing different applications. This generates needless litigation.

6. Identical is the position herein. Once this Tribunal has awarded and granted a relief to similarly situated persons, there was no occasion why the present applicants should have been treated differently.

7. We accordingly allow the present application and direct that applicants should be accorded their seniority in terms of the decision of

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this Tribunal dated 15.2.99 in OA-528/93. After according due seniority to applicants, the consequential benefits should also be granted to applicants in accordance with law. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

8. The applicants shall also be entitled to a cost of Rs.5,000/- (Rupees five thousand only) of the litigation.

V.K.Majotra

(V.K. Majotra)
Member (A)

VS Agarwal

(V.S. Aggarwal)
Chairman

/cc/