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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 610/2002
MA NO. 516/2002

This the 12th day of November, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. M.P. SINGH, MEMBER (A)

1. Siran Singh
R/o 1857-A, Sector-6, Bahadur Garh,
Haryana.
2. M.S. Premi
R/o 548/1, Ghodal Marg, Parbati Bharam Shala,
Gaziabad, Uttar Pradesh.
3. Gyan Chand,
783-B/18, Om Nagar, Gurgaon,
Haryana.
4. Pavan Parvesh,
H.No.B-13, Brij Vihar,
Ghaziabad, Uttar Pradesh.
5. Madal Lal,
H.No.132, Gali No.54,
T/s Mular Band Etn, New Delhi
(By Advocate: Sh. V.S.R. Krishna) ... Applicants

Versus

1. Chief Secretary,
Govt. of N.C.T., Delhi Sachivalaya,
I.P. Estate, New Delhi.
 2. Secretary (Services)
Govt. of N.C.T. Delhi Sachivalaya,
I.P. Estate, New Delhi ... Respondents.
- (By Advocate: Sh. Vijay Pandita)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant had filed this OA seeking following reliefs:

- i) To call for the records of the case and set aside the action of the respondents whereby the applicants are being considered for promotion as senior P.A against their option exercised for Grade-I(DASS).



ii) To direct the respondents to consider the names of the applicant for promotion Grade-I (DASS) strictly in accordance with their option exercised and to promote them accordingly retrospectively with all consequential benefits including pay and allowances and seniority.

iii) To set aside the impugned order at Annexure A-1 and direct the respondents to consider the applicant for promotion as Grade-I DASS and be accorded promoted and all consequential benefits.

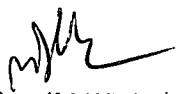
iv) Any other relief which this Hon'ble Court deems fit and proper may also be awarded to the applicant.

2. Counsel for applicant pointed out that earlier an OA was decided by this Court vide OA-1195/2001 wherein the same seniority list, same rules, same facts and circumstances was involved. Applicant is also similarly placed. So judgment dated 27.2.2002 of the Tribunal is also upheld by the Hon'ble High Court and we are also informed that judgment has been implemented too. Counsel for applicant makes a prayer that the benefit of this judgment be given to the applicant also, as the applicant is similarly placed.

3. Sh. Pandita appearing for the respondents submitted that since the recruitment rules have been amended w.e.f. 28.5.2002 so applicant cannot be granted the similar benefit. Sh. Krishna points out that he is claiming for the vacancy was available prior to amendment of the recruitment rules and this fact was also taken note by the Hon'ble High Court.



4. In our view the amendment of the rules would be applicable only from the date the same have been notified and since if the applicant is entitled to be considered for promotion as per the unamended rules and as per the law laid down in the judgment of Hon'ble High Court, so applicant should also be granted the same benefit. Hence the present OA stands disposed of with the direction to accord the same benefit to applicant.


(M.P. SINGH)
Member (A)


(KULDIP SINGH)
Member (J)

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