

11

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 982/2001

New Delhi, this the 28th day of November, 2001.

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. Shri L.R.Meena S/O K.L.Meena,
R/O 9/11, M.S.Building,
5th Floor, NPL Colony,
New Rajinder Nagar,
New Delhi.
2. Shri K.A.Qurieshi S/O A.M.Qurieshi,
R/O CSIR Apartments, Maharani Bagh,
New Delhi.
3. Shri M.L.Dullu S/O P.N.Dullu,
123/IV, North-West Moti Bagh,
New Delhi.

... Applicants

(By Shri H.C.Sharma, Advocate)

-versus-

1. Director General,
Council of Scientific & Industrial Research,
Anusandhan Bhawan, Rafi Marg,
New Delhi.
2. Union of India through
Secretary, Department of
Science & Technology,
Technology Bhawan,
New Mehrauli Road,
New Delhi.
3. Department of Personnel & Training
through its Secretary, Govt. of India,
North Block, New Delhi.
4. Ministry of Finance,
Department of Expenditure
through its Secretary,
Government of India,
North Block, New Delhi.
5. Mrs. Manju Bagai,
Legal Adviser,
Council of Scientific & Industrial Research,
Anusandhan Bhawan, Rafi Marg,
New Delhi.

... Respondents

(By Shri Manoj Chatterjee with Ms. K.Iyyer, Advocate)

h

O R D E R

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A) :

The applicants are aggrieved by order dated 16.4.2001 for holding a DPC meeting on 27.4.2001 for promotion to the post of Senior Deputy Financial Adviser (Sr.DFA) in Finance & Accounts Cadre in accordance with the revised recruitment rules and allegedly without finalising the seniority list dated 11.4.2001. Earlier on the applicants had filed O.A. No.929/2001 which was decided vide order dated 17.4.2001 (Annexure A-IV) with the following observations/directions :

"2. Having regard to the aforesaid representations, we find that the interests of justice will be duly met by disposing of the present OA at this stage itself by directing the Director General, C.S.I.R., respondent No.1 herein to consider the aforesaid representations and pass speaking orders thereon and communicate the same to the applicants expeditiously and in any event within a period of two weeks from the date of service of this order. We direct accordingly.

3. It goes without saying that promotions, if granted in the meanwhile, will be subject to the decision on the aforesaid representations."

2. The applicants have sought quashing and setting aside of Annexure A-1 order dated 16.4.2001 containing the proposal for holding DPC meeting on 27.4.2001 without notifying final seniority list.

3. Whereas the learned counsel of the applicants stated that the respondents have not finalised the seniority list after settling objections of the applicants, the learned counsel of the respondents stated that consequent upon amendment to the ASRP Rules, 1982 notified on 10.4.2001, revised cadrewise seniority lists were finalised and circulated vide O.M. dated 25.4.2001 before convening the DPC meetings scheduled for 27/28.4.2001. The respondents

have enclosed the final seniority lists as on 25.4.2001 as Annexure R-4. The learned counsel stated that the representations of the applicants against the tentative seniority lists were considered by the competent authority and settled and only then the seniority lists were finalised. The learned counsel stated that before holding the DPC the seniority lists had been finalised.

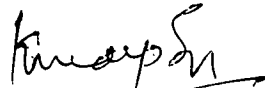
4. The learned counsel of the applicants stated that the applicants had submitted their objections to the tentative seniority lists dated 11.4.2001 and the respondents had replied to their objections on 26.4.2001. However, "since the replies were not to the point these were countered by the applicants. No replies have been received from respondents." The learned counsel stated that the matter had not been closed and the respondents should have sent replies to the counters made by the applicants to the reply of the respondents to applicants' objections to the tentative seniority lists.

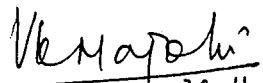
5. In our view, the respondents had considered the objections of the applicants raised against the tentative seniority lists of 11.4.2001 and rejected them. It is not obligatory on the respondents to reply to any further objections of the applicants. This matter cannot remain open-ended forever. Annexure R-4 are thus the final all India seniority lists of the applicants, among others, issued by the respondents after considering the applicants' representations against the tentative seniority lists. Obviously, the respondents had notified the final seniority lists after disposing of the objections of the applicants prior to the dates when the DPC was proposed to be held.

11

We further find that Annexure R-4 dated 25.4.2001 which are the final seniority lists have neither been challenged nor has any relief been claimed against them by the applicants.

6. Having regard to the above discussion, we do not find any merit in the O.A. which is dismissed accordingly. It goes without saying that interim order passed on 23.4.2001 staying the proceedings of the DPC stands vacated. No costs.


(Kuldip Singh)
Member (J)


28.11.2001
(V. K. Majotra)
Member (A)

/as/