

Central Administrative Tribunal, Principal Bench

Original Application No.950 of 1999
M.A.No.888/99

New Delhi, this the 11th day of November, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

1. Shri Jug Raj,
s/o Shri Pyre Lal,
House No.C-471, Gali No.7
Mandouli Road,
Ashok Nagar, Delhi-94
2. Shri Umed Singh
s/o Shri Bidhu Ram,
House No.517/13,
Village: Mundka,
Delhi-41
3. Shri Ved Singh,
s/o Shri Mangal Singh,
House No.51/46, Nai Basti,
Anand Parbat,
New Delhi-5
4. Shri Ram Prasad,
S/o Shri Mange Lal,
House No.605, Prem Nagar,
Kotla Mubarakpur,
New Delhi-3
5. Shri Dhan Singh,
s/o Shri Tirkha Ram,
House No.51/46, Nai Basti,
Anand Parbat,
New Delhi-5

.... Applicants

(By Advocates: Shri R.V.Sinha & Shri R.N.Singh, for
applicants 1,3 and 5
Shri George Paracken, for applicants 2&4)

Versus

1. Union of India,
Through the Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances
and Pensions,
North Block,
New Delhi
2. The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
3. The Secretary,
Department of Supply,
Ministry of Commerce,
Nirman Bhavan,
New Delhi.

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4. The Secretary,
Department of Urban Development,
Ministry of Urban Development & Employment,
Nirman Bhavan,
New Delhi
5. The Secretary,
Ministry of Human Resource Development
Department of Education,
Shastri Bhawan,
New Delhi.
6. The Secretary,
Department of Food and Civil Supplies,
Ministry of Food and Consumer Affairs,
Krishi Bhawan,
New Delhi.
7. The Secretary,
Department of Defence,
Ministry of Defence,
South Block,
New Delhi.

.... Respondents

(By Advocate: Shri D.S. Mahendru)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

Earlier on 17.12.99, this Tribunal had dismissed the petition primarily on the ground of undue delay in filing of the application. The applicants had filed Civil Writ No.3742/2000 which was decided by the Delhi High Court on 17.1.2002. The order passed by this Tribunal was set aside. It was observed that having regard to the injustice that has been done to the applicants, it was not a case where the petition should have been dismissed on the ground of delay and laches. It is in this backdrop that the matter has been re-heard.

2. Some of the relevant facts can be delineated. The applicants are Scheduled Castes. They had joined the Government of India as Lower Division Clerks (Grade II of the Central Secretariat Service) in the Ministry of Home

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Affairs in pursuance of the Staff Selection Commission examination held in the year 1973-74. After putting in about 10 years of service, they were promoted to officiate as Upper Division Clerks (UDCs), on different dates. When the seniority list of UDCs was issued on 1.8.88, the applicants realised that six persons who were junior to them have been shown senior. The applicants had submitted their representations. After protracted and prolonged correspondence for about 8 years, the mistake was rectified. It was stated to be because of oversight.

3. By virtue of the present application, the applicants claim:

(a) quashing of the letter of 6.11.98;

(b) declaring the acts of respondents in not stepping up their pay from 25.4.90 as Assistant as illegal;

(c) declaring the acts of the respondents in not regularising them w.e.f. 10.3.93 as illegal; and

(d) declaring their pay as Assistant and stepping up benefit from 25.4.90, besides consequential monetary benefits.

4. The petition has been contested. In the reply filed, it is admitted that six persons were promoted on

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ad-hoc basis, the first one i.e Harbhajan Chand w.e.f. 25.4.90. In the meantime, applicants 4 and 5 and another person were transferred on decentralisation of purchase work. All the applicants represented for benefit of promotion from retrospective date. The advice of the DOP&T was that the applicants cannot be promoted retrospectively. However, with respect to the mistake which we have referred to above, there was no dispute.

5. During the course of submissions, learned counsel for the applicants admitted that meanwhile during the pendency of the present application, the applicants have been promoted. Therefore, they are confining their present grievance to the monetary benefits.

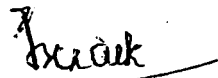
6. Sequence of events and admitted facts show that there crept an inadvertent mistake in drawing of the seniority list. The same was rectified later on but in the meantime the applicants who had been placed junior, could not earn their benefits. It is patent that injustice was done to them. We are of considered opinion that even if it was done, it should not be perpetuated. The respondents, by and large, had tried to correct the mistake but so far as the monetary benefits are concerned, they have been denied. If the applicants had been considered at the appropriate time, necessarily benefits would have accrued to them. The same unfortunately could not accrue because of the mistake that had occurred in the seniority list. Therefore on this short ground, we allow the present


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application and direct:

(a) the claim of each applicant should be considered and monetary benefits should be calculated and paid from the date the juniors to the applicants had been awarded the promotion or a higher scale; and

(b) this exercise should be completed preferably within four months of the receipt of the certified copy of the present order.


(S.K. Naik)
Member (A).


(V.S. Aggarwal)
Chairman.

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