

Central Administrative Tribunal
Principal Bench

9

O.A. No. 1619/98

Decided on 15.10.99

Association of Officers of
Central Labour Service & Anr.

... Applicants

(Applicant in person)

Versus

Union of India & Others

... Respondents

(By Advocate: Shri R.P. Aggarwal)

CORAM

Hon'ble Mr. S.R. Adige, Vice Charman (A)

Hon'ble Mr. Kuldip Singh, Member (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not? NO


(S.R. ADIGE)
VICE CHAIRMAN (A)

Central Administrative Tribunal
Principal Bench

O.A. No. 1619 of 1998

New Delhi, dated this the 15th October, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

1. Association of Officers of
Central Labour Service represented
by its General Secretary Shri G.P. Bhatia,
97, Defence Apartment, Inder Enclave,
Paschim Vihar,
New Delhi-110081.
2. Shri T.C. Girotra,
S/o late Shri Shanti Lal,
Director (Training),
Office of Chief Labour Commissioner (C);
Shram Shakti Bhawan, Rafi Marg,
New Delhi-110001. ... Respondents

(Applicant No. 2 in person)

Versus

1. Union of India through
the Secretary,
Ministry of Labour,
Shram Shakti Bhawan, Rafi Marg,
New Delhi-110001.
2. The Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
Cadre Review Division,
North Block, New Delhi.
3. The Secretary,
Dept. of Expenditure,
Ministry of Finance,
North Block,
New Delhi. ... Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants seek a direction to respondents to undertake a cadre review of the cadre structure of the Central Labour Service. They also seek permission to file a representation before the Cadre

Review Committee and be granted interview if permitted under rules and procedure.



2. We have heard applicant No.2 Shri Girotra in person, and Shri R.P. Aggarwal for respondents.

3. Admittedly the Central Labour Service to which applicants belong was set up in 1987, but no review of its cadre has been undertaken till date, although as per DP&T's O.M. dated 6.5.72 (Annexure A-1), such cadre review are to be undertaken at intervals of three years.

4. Respondents in their reply to the O.A. have given certain reasons why the cadre review could not be held till now, including ban orders, economy instructions and pending litigation. However, in their reply to Paras 5.1 to 5.10 of the O.A. they admit that

"Respondent No.2 has, however, started the spade work by collecting data from the various Ministries/Departments/ Organisations, when the C.L.S. officers are working/required. It is also submitted that cadre review is time consuming as the process is deliberated at various levels....."


5. It is thus clear that respondents themselves are not opposed to the Cadre review and in fact have initiated the exercise by starting to collect the relevant dates. Their apprehension is that itⁿ is a time consuming process owing to the

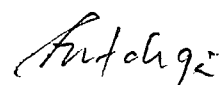
procedure involved and cannot be completed in a short period of time. (12)

6. We asked applicant No.2 Shri Girotra what is his experience would be a reasonable period of time for completion of this task. He stated before us at the Bar that 1 1/2 to 2 years would be a reasonable period within which this task could be complete. Shri Aggarwal estimated the minimum period required for completion of the task at three years.

7. There can be little doubt that in terms of DP&T's O.M. dated 6.5.72 cadre review is required to be undertaken triennially. This O.M. is binding on Respondent Dept. In the light of the facts and circumstances noticed above, and particularly respondents' own averment that they have started the spade work for the cadre review by collecting data from the various Ministries/Departments/Organisations, we call upon Respondents to complete the task of cadre review as expeditiously as possible and ^{preferably in} ~~preferably in~~ within a period of 2 1/2 years from the date of receipt of a copy of this order. In so far as the prayer for permission to file representation and for interview is concerned, the same shall be decided by respondents in accordance with rules and instructions.

8. The O.A. is allowed to the extent contained in Para 7 above. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

/GK/