

Central Administrative Tribunal, Principal Bench

Original Application No.1683 of 1998

1. New Delhi, this the 21st day of January, 2000

(16)

Hon'ble Mr. R. K. Ahooja, Member (A)  
Hon'ble Mr. Kuldeep Singh, Member (J)

Smt. Usha Jain,  
Type II 61, North West,  
Moti Bagh, New Delhi-21

- Applicant

(By Advocate - Shri Jasbir Malik)

Versus

1. Director Cabinet Secretariat,  
Rashtrapati Bhawan,  
New Delhi-01.

2. Under Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi-01

3. Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi-01

- Respondents

(By Advocate - Shri S.M. Arif)

O R D E R (ORAL)

By Hon'ble Mr. R. K. Ahooja, Member (A)

The applicant was appointed as a Stenographer Grade 'D' in 1971. She was promoted as Stenographer Grade 'C' in November, 1981. By an order dated 19.12.96, she was appointed as a Private Secretary on an ad-hoc basis. The letter of appointment shows that the promotion of the applicant was on ad-hoc basis for a period of four months or till regular officers became available, whichever is earlier. The grievance of the applicant is that by an order dated 24.8.98, she has been ordered to be reverted from the post of P.S. to her substantive post of Steno Grade 'C'.

2. The case of the applicant is that she has

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been appointed as a Private Secretary in the Cabinet Secretariat vice one Shri Suraj Bhan who had been appointed P.S. on the basis of seniority quota. Accordingly, the vacancy which arose due to transfer of Shri Suraj Bhan was not an examination vacancy and, therefore, she was not to be replaced by an examination candidate. In the additional affidavit filed by the applicant, it has also been alleged that while the applicant has been reverted by the impugned order, some of her juniors like Sh. M.D. Tahiliani, Sh. D.S. Garg and one Mrs. Rita Sethi have been allowed to continue to officiate as P.S.

3. The respondents have denied the aforesaid allegation. They submit that the reversions are being made on the basis of "last come first go". They also deny that anyone junior to the applicant has been retained as P.S. They point out in their additional affidavit that Shri Tahiliani, Shri Garg and Smt. Rita Sethi are senior to the applicant. The said persons had been appointed on the basis of earlier selections than the applicant.

4. We have heard both the learned counsel. We find that there is a common cadre in respect of Central Secretariat Service of Stenographers in respect of Ministry of Home Affairs. Both the Cabinet Secretariat as well as the Department of Statistics are participants of this M.H.A. cadre. Consequently,

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the transfer of Shri Suraj Bhan from Cabinet Secretariat to Department of Statistics does not create a fresh vacancy in the seniority quota in the Cabinet Secretariat. It only implies that the examination appointee, instead of being sent to Department of Statistics, will have to be posted in the Cabinet Secretariat.

5. It is contended by the learned counsel for the applicant that the seniority list of Steno Grade 'C' of CSS Cadre of Ministry of Home Affairs, a copy of which has been annexed at Annexure A-7 to the OA, shows that the applicant has been appointed to the grade on 1.3.82 while Shri Tahiliani was appointed on 1.5.84 and Shri D.S.Garg on 3.9.82.

6. We find that the aforesaid seniority list itself shows that while Shri D.S.Garg is at serial no.6 and Shri M.D.Tahilian at serial no.15, the applicant herein is at serial no.51. Therefore, even on the basis of this seniority list, the applicant cannot say that S/Shri Garg and Tahilian are junior to her. The respondents have also made it clear in their additional affidavit that Shri Taliani was appointed on the basis of 1971 seniority list while the applicant herein was appointed on the basis of 1972 seniority list. Therefore, there is no basis in the allegation of the applicant that the respondents have retained her juniors as ad-hoc P.S. while they

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have reverted her from her position.

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7. In the result, we find no merit in the claim of the applicant and the OA is accordingly dismissed.

No costs.

  
(Kuldip Singh)

Member (J)

  
(R.K. Ahuja)

Member (A)

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