

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA, No. 1821 of 1998

New Delhi, this 1st day of February, 2001

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

(By Advocate: Dr J.C. Madan)

versus

1. Union of India, through
Cabinet Secretary
Rashtrapati Bhavan
New Delhi 110011
2. Joint Director (Planning & Co-ordination)
O/o The Directorate General of Security
East Block V, R.K.Puram
New Delhi 110066
3. Director SSB
O/o The Directorate General of Security
East Block V, R.K.Puram
New Delhi 110066
4. Deputy Secretary Finance(S)
Cabinet Secretariat
(Finance Division)
Room No.7 Bikaner House Annexe
Shahjahan Road
New Delhi 110011

(By Advocate: Shri V.S.R.Krishna)

ORDER(Oral)

By Shri Kuldeep Singh

The applicant has filed this OA seeking the relief to quash and set aside the impugned order dated 6.1.1998 and a direction to the respondents to consider the applicant for promotion to the post of Stenographer Gr.II on the basis of his continuous service of more than 26 years as Stenographer G.III.

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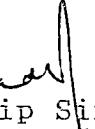
2. The facts of the case are that the vide letter dated 22.7.1972 the applicant was appointed as Stenographer Gr.III in the Unit of the Internal Financial Adviser (IFA). The applicant claims that IFA has been maintaining a separate cadre. However, the case of the respondents is that the establishment of the IFA was merged into the cadre of Directorate General of Security (DGS) which was further bifurcated and the applicant was allotted to the SSB Directorate. The applicant has challenged the merger of his post in the cadre of DGS and further SSB which has been done without obtaining his option and he has also referred to a Memorandum of 23.2.1997 wherein it was specifically mentioned that the option of the candidates who are appearing in the list at Sl.Nos.1 to 15 and who have been merged in different cadres their option should be obtained and necessary formalities should be completed.

3. Learned counsel for the applicant submitted that since no option was obtained from the applicant for showing him in the cadre of SSB Directorate, which is evident from Annexure A-1, the applicant is entitled to his own cadre of IFA's Unit. In reply, learned counsel for the respondents submitted that the merger was done some time in 1997. The applicant, now at this stage, by filing this OA, cannot challenge the

merger and the allocation of his cadre to that of the SSB. So, the question of the applicant for being considered in his original cadre of SSB, is out of question. However, so far as the promotion is concerned, since the applicant has contended that he has not been given promotion right from the date of appointment as Stenographer Gr.III, learned counsel for the respondents fairly agrees that the applicant is entitled to the promotion under the ACP Scheme and he will be considered in accordance with the said Scheme.

4. In view of the statement made by the learned counsel for the respondents, this OA is disposed of with a direction to the respondents to consider the case of the applicant for promotion under the ACP Scheme in accordance with law within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(M. P. Singh)
Member (A)


(Kuldip Singh)
Member (J)

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