

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2458/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 20th day of September, 2000

LATA VIJAY KUMAR
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
(None)

... APPLICANT.

VS.

1. INDIAN AGRICULTURAL RESEARCH INSTITUTE
REPRESENTED BY ITS JOINT DIRECTOR
I.A.R.I.
NEW DELHI- 110 012.
2. THE SECRETARY
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN
NEW DELHI- 110 001.
3. SH.K.R.SUNDARESAN
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
4. SH.RAKESH DUBAY
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
5. SMT.POONAM MAKHIJA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
6. SH.HARPAL S.VERMA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
7. SMT.RAJ.K.GULATI
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.

- 2-
8. SH.GOPAL PURI
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
9. SMT.ASHA ARORA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 10.SMT. USHA SEHGAL
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 11.SMT.VIPIN KHANNA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 12.SMT.SUMAN MALIK
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 13.SH.A.K.JAIN
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 14.SMT.KOMAL MADAN
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 15.SMT.INDERJIT KAUR
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 16.SMT.ASHA CHOPRA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
- 17.SMT.SUSHMA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.

9

10

18. SH. SATENDER SINGH
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
19. MISS SUNITA.R.
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
20. SMT. SUNITA SHARMA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
21. SMT. LEENA VOHRA
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
22. SH. BIRENDER.S.
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
23. SH. CHATURDEV
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
24. SH. SHANKER KUMAR
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
25. MISS SUNITA TIWARI
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.
26. MISS USHA KIRAN
JUNIOR STENOGRAPHER
DIRECTOR'S OFFICE
INDIAN AGRICULTURAL RESEARCH INSTITUTE
NEW DELHI - 110 012.

...RESPONDENTS.

(By Ms. Geetanjali Goyal, Advocate for the official respondents & ~~Respondent~~ No. 24 in person.)

Contd - 4

O R D E R (Oral)

By Shri Govindan S. Tampi, Member(A):

The applicant is a Junior Stenographer in the Indian Agricultural Research Institute, Delhi (coming under ICAR) who joined service on 23.8.1985. She had sought transfer from IARI to CMFRI, Cochin which is also under the control and jurisdiction of the ICAR. While she was transferred on 18.12.1996, the order had the following stipulation attached to it. "She will be ranked junior to all existing Junior Stenographers working at this institute." Accordingly she was posted to CMFRI vide letter dated 18.12.1996 and her name was placed as the junior most in the grade of Junior Stenographers' seniority list in the CMFRI. However on 11.3.1997 she sought repatriation to the IARI which was granted and she rejoined in IARI accordingly. At that time her seniority was placed at the bottom in the IARI. By circular No.13-3/76-P.II dated 11.8.1997 the first respondent issued the provisional seniority list of the Junior Stenographers working under it as on 1.1.1997, wherein the applicant's name was shown as junior most in the grade of Junior Stenographer. Thereafter she had represented against the said seniority list on 4.9.1997. She was granted a restoration of original seniority in IARI vide letter dated 16.10.1997 which was subsequently withdrawn on 6.11.1997. On the result she had been placed once again as a junior most in the cadre of Junior Stenographers in the IARI and persons juniors to her were placed above her which resulted delay in her promotion. The applicant pleads that though she was given the original seniority on the basis of a

direction given by ICAR, this has not been given effect to and she contest the same.

12

2. None appears for the applicant either in person or through her counsel even on second call. Since this is a matter of 1998, we have decided to hear and dispose of the matter finally in terms of Rule 15 of CAT (Procedure) Rules, 1987. Learned counsel for the respondents is present.

3. Ms. Geetanjali Goyal, learned counsel for the official respondents states that the applicant has no case at all as her transfer is of inter institutional basis and therefore in terms of the instructions she could have been placed correctly only at the bottom of the list of the persons in that category. At the same time, she was fair enough to bring to our attention the letter at Annexure VII issued by the Under Secretary, ICAR addressed to the Director, IARI which reads as under:

"This has reference to the representation of Mrs. Latha Vijaykumar, Jr. Stenographer (addressed to Secretary, ICAR) dated 19.11.1997 and the IARI letters No.7-84/85 P-II dated 10.12.1997 and 24.12.1997 on the subject cited above. The issues raised by the representationist as well as the factual position as brought out in the above cited letters of IARI have been considered carefully and sympathetically. The competent authority, taking into consideration the totality of the circumstances has, as a special case, agreed to/approved the request for restoration of the original seniority of Mrs. Latha Vijaykumar and for withdrawing the circular of IARI dated 6.11.1997 in this regard."

4. The learned counsel for the respondents states that the Indian Council for Agricultural Research (ICAR) was not competent to issue directions in respect of the service matters of the IARI and it

Junior staff 6

h

should have been considered only by the Heads of the concerned Institutes and therefore this matter was also referred back to the ICAR by letter dated 16.7.1997. Therefore her contention is that the Council's letter should not be considered as an authority for permitting the restoration of the seniority.

13


5. We have given careful consideration to the matter and we are convinced that the applicant has made a case on the basis of the records. Her transfer from IARI to CMFRI and back to IARI were ordered by the concerned authorities competent to do so. In terms of the transfer of inter institutional basis, the instructions are that the persons who are seeking transfer on their own request shall be placed at the bottom of the list of the persons similarly placed in the organisation whereto they are ^{transferred} ~~posted~~. That being the case, the applicant's name has placed at the bottom of the Junior Stenographers of CMFRI at first and then of IARI on her retransfer. The fact however, remains that the ICAR which the controlling authority of for both IARI and CMFRI, had after considering all the facts and circumstances of the case of the applicant in her representation, on 26.6.1998 directed that she be given her original seniority. The letter subsequently written by the IARI to ICAR has not been replied to by the Council as they felt their decision was correct. Therefore, restoration of the applicant's seniority was therefore correctly ordered and the action taken subsequently by the impugned order to revise it was not proper.

12

6. In the above circumstances, the OA succeeds and is accordingly allowed. The impugned order 12.5.1998 is quashed. The respondents are directed to restore to her, the original seniority with consequential reliefs if any. If the implementation of the order, affects the rights of any one they may be also put ^{on} notice. No order as to costs.

14


(GOVINDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/

D