

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1597/95

New Delhi this the 15th day of October, 1999.

Hon'ble Sh. A.V. Haridasan, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

1. Sh. Ramesh Chander,
S/o Sh. Verchom,al,
Sr. Draftsman,
SSRR Division,
CRRI, Mathura Road,
New Delhi.
 2. Sh. Narender Kumar,
S/o Sh. Kishan Lal,
JTA, Flexible Pavement Div.,
CRRI, Mathura Road,
New Delhi.
 3. Sh. R.N. Paswan,
S/o Sh. Sunder Paswan,
JTA, T&T Division,
CRRI, Mathura Road,
New Delhi.
 4. Ms. Prema Prasad,
W/o Sh. S. Prasad,
STA, SSRR Division,
CRRI, Mathura Road,
New Delhi.
- Applicants

(through Sh. Vivekanand, Advocate)

versus

1. Council of Scientific &
Industrial Research a
Society registered and
constituted under the
Societies Registration
Act, 1860 through its
Joint Secretary (Admn.),
Rafi Marg, New Delhi.
 2. Central Road Research Institute
a Unit of CSIR through its
Director, CRRI, Mathura
Road, New Delhi.
- Respondents
(through Sh. V.K. Road with Ms. Anjali Goyal)

ORDER(ORAL)

Hon'ble Sh. A.V. Haridasan, Vice-Chairman(J)

Applicants were appointed as Senior
Draftsman/Field Assistant/JSA in the Road User Cost

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Study in India Project under Respondent No.2 on various dates during the years 1980-1981. After the project was wound up they were instead of being terminated from service initially given ad hoc appointments for three months and later the applicants were appointed on posts one step lower. As the applicants represented against their grievance regarding posting on a lower post the matter was deliberated and the employees were given two options. One was to hold the lower post and the other to be accommodated on supernumerary post or on shadow post making it understood that during the period when they hold shadow posts they would not be eligible for assessment for promotion. The applicants opted the second alternative and were appointed w.e.f. 1.4.84 on shadow post. The applicants were ultimately appointed on regular basis w.e.f. 16.9.87. their present grievance is that for assessment promotion, the period of service rendered by them on shadow posts is not being taken into account. The applicants allege that this has no rational nexus and is arbitrary.

2. With the above allegations, the applicants have filed this application for setting aside the decision mentioned in the letter dated 22/23-9-94 of the respondents denying the benefit of period spent under shadow post for the purpose of assessment promotion.

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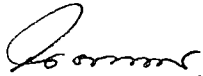
3. The respondents have filed a detailed reply resisting the claim of the applicants. When the application came up for hearing today, the learned counsel of the applicants brought to our notice an order dated 10.3.99 by which in the case of one Sh. Chander Bhan the respondents have taken into account the service rendered by him on shadow post also and sought permission to withdraw this application with liberty to take up the matter with the respondents seeking a similar dispensation in the case of the applicants also. The ld. counsel also requested that when such a representation is made by the applicants, the respondents may be directed to consider and dispose of the same keeping in view the decision taken in the matter of Chander Bhan with a speaking order within a reasonable period. The ld. counsel for the respondents stated that he has no objection for the application being disposed of with appropriate direction.

4. In the light of what is stated above, we dispose of this application permitting the applicants to make representation to respondents seeking the same treatment as was given to Sh. Chander Bhan and with a direction to the respondents that if such a representation is received from the applicants, as aforesaid, the same shall be considered in the light of the rules and instructions on the subject keeping in view the decision taken in [Be matter of Chander Bhan and a speaking order shall

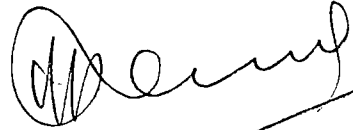
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be communicated to the applicants within a period of four months from the date of receipt of the representation. No costs.



(S.P. Biswas)
Member(A)



(A.V. Haridasan)
Vice-Chairman(J)

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