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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.777 of 1995

New Delhi, this the 11th day of October, 1999

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN (JUDL)  
HON'BLE MR. S.P.BISWAS, MEMBER (ADMV)

1. Smt. Vimla Bhalla,  
Quarter No.891, Block No.17,  
Lodhi Colony, New Delhi.
2. Shri B.M.Sotie,  
260, Satya Niketan,  
Moti Bagh-II, Ring Road,  
New Delhi-110021
3. Shri J.L.Bhatnagar,  
Research Officer (Ad hoc)  
Dte. of Economics & Statistics  
Department of Agriculture & Cooperation  
Krishi Bhawan, New Delhi.
4. Shri Krishan Chandra,  
Research Officer (Ad hoc)  
Dte. of Economics & Statistics  
Department of Agriculture & Cooperation  
Krishi Bhawan, New Delhi. .... Applicants

(By Advocate: Shri C.Hari Shankar)

versus

1. Union of India  
Through the Secretary,  
Department of Agriculture & Cooperation  
Ministry of Agriculture  
Krishi Bhawan, New Delhi-110001.
2. Shri M.S.Garg  
100-D, DDA Flats, Gulabi Bagh,  
New Delhi.
3. Shri Mulayam Singh  
Dy. Director  
Department of Agriculture & Cooperation  
Ministry of Agriculture  
Krishi Bhawan, New Delhi .... Respondents

(By Advocate: None)

O R D E R (ORAL)

BY HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN (J)

The applicants, four in number, were promoted to the posts of Research Investigator Grade-I in the Directorate of Economics and Statistics. They were promoted on adhoc basis on various dates in the years

1976-78. They were kept on adhoc officiation owing to the pendency of the case in Narender Chadha & others vs. Union of India before the apex court, finally decided on 11.2.86 and reported in 1986 SCC (L&S) 226. After the disposal of the case of Narender Chadha, the applicants were regularised but only with effect from 18.4.87. Aggrieved by that, they claimed regularisation with effect from the dates of their initial promotion on adhoc basis. The applicants thus filed an O.A.943/89 which was allowed by order dated 26.5.92. In implementation of the directions contained in the said O.A., the applicants were regularised with effect from the dates of their initial appointment on adhoc basis by order dated 22.9.92. The present case of the applicants is that in the case of Shri R.K.Goel, the respondents revised his seniority and placed him above Shri Chandiramani and Shri T.Asokan who were earlier placed at the top in the seniority list dated 31.3.93 (Annexure A-8) and gave him promotion with retrospective effect vide orders at Annexures A-1 and A-2. The respondents refused to extend to the applicants the same treatment despite their making representations in that regard. To the representations made by applicants no.2 and 4 they received replies dated 12.10.94(Annexure A-12) informing them that the matter was under consideration with the DOPT, but finding that the matter has not progressed any further, the applicants have filed this O.A. for a direction to issue revised seniority list analogous to the revised seniority list issued in the Economics cadre of the grade of Research Investigator Grade-I, fixing the seniority of the applicants on the basis of their length of continuous

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officiation on the post of R.I Grade-I and to grant retrospective promotion to the applicants with effect from 1.10.90, as had been granted to Shri R.K.Goe1 on the basis of the judgement of Hon'ble Supreme Court in B.S.Kapila's case, with consequential benefits.

2. The application was admitted as early as on 28.4.95 and the respondents were given sufficient time to file reply statement. On the failure of the respondents to file reply statement, the Bench on 27.5.96, passed an order granting the respondents time till 31.7.96 to file reply statement making it clear that the right of the respondents to file counter would be forfeited if the same was not filed within that date. However inspite of that, the respondents did not file counter and the matter has been listed for final hearing with the available pleadings.

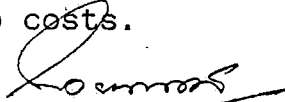
3. Since none appeared for the respondents and the records were not made available by them, we are not in a position to understand as to what is the stand of the respondents in regard to the eligibility of the applicants for the claim they have made. It is seen from Annexure A-12 that the respondents have not turned down the request of the applicants but only stated that the matter was being considered by the Government. However, the result of consideration has not yet been made known to the applicants or to the Tribunal. Under these circumstances, we are of the considered view that it would be appropriate if the application is disposed of by directing the respondents to consider the claim of the applicants in the light of the rules and

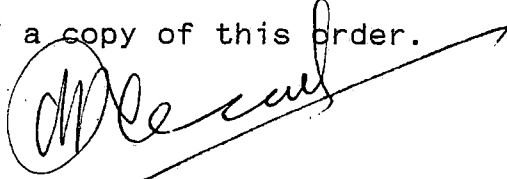
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instructions on the subject with special reference to the dispensation made in the case of R.K.Goel at Annexures A-1 and A-2 and to give the applicants a speaking order to their claims within a limited time.

4. In the light of the above discussion, we dispose of this O.A. directing the respondents to consider the claims of the applicants putforth in this application and to give them an appropriate reply keeping in view the rules and instructions on the subject as also the benefit granted to Shri R.K.Goel vide Annexures A-1 and A-2, within a period of three months from the date of receipt of a copy of this order.

No costs.

  
( S.P. Biswas )  
Member(Admnv)

  
( A.V. Haridasan )  
Vice Chairman(Judl)

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