

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

1) O.A. NO. 390/1996
2) O.A. NO. 710/1996
3) O.A. NO. 1144/1996

(6)

New Delhi this the 16th day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

1) OA NO. 390/1996

1. Shri R.P. Shokanda,
S/o Sh. Surat Singh
Senior Investigator,
Central Statistical Organisation,
Min. of Planning,
Sardar Patel Bhawan,
New Delhi-1

2. Shri Suraj Bhan
S/o Shri Raghbir Singh
Senior Investigator,
Central Statistical Organisation,
Min. of Planning,
Sardar Patel Bhawan,
New Delhi-1

... Applicants

(By Advocate Shri A.K. Behera)

-Versus-

1. Union of India through its
Secretary,
Dept. of Statistics,
Ministry of Planning,
Government of India,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi.

2. Director General
Central Statistical Organisation,
Government of India,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi.

3. Chakresh Chandra
4. Kailash Chandra
5. B.K. Gupta
6. B.S. Kambo
7. Smt. Arti Kachroo
8. S.K. Gupta
9. R.K. Gupta
10. D.S. Sastry
11. A.K. Sharma
12. K.S. Rawat
13. C.M. Gairi
14. K.L. Bhuttan
15. K.B. Sethi

16. Pitam Singh
17. Prem Chand
18. K.C. Saxena
19. V.B. Gupta
20. Suresh Kumar
21. K.L. Goyal
22. R.S. Attri
(All Senior Investigators in Central Statistical Organisation, Min. of Planning, Sardar Patel Bhawan, Sardar Patel Bhawan, Sansad Marg, New Delhi) Respondents

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(By Advocate Shri K.C.D. Gangwani)

2) OA NO. 710/96

1. Shri S.N. Gupta
S/o Shri R.K. Gupta
RU-97, Pitam Pura
New Delhi-110034
2. Smt. Saroj Chaba
W/o Shri O.P. Chaba
C-14, Kalkaji
New Delhi-110 019
3. Shri R.K. Sharma
S/o Shri C.B. Sharma
9779/XVI, Ahata Thakur Dass
New Rohtak Road,
Sarai Rohilla,
New Dehi-110005
4. Smt. Satinder Kanwar
W/o Late Shri H.S. Kanwar
4-B, Pocket-F, MIG Flats
G-8, Area Rajouri Garden,
Hari Nagar,
New Delhi-110064

... Applicants

(By Advocate Shri D.R. Gupta)

vs.

1. Union of India through
Secretary,
Ministry of Planning,
Dept. of Statistics
Sardar Patel Bhavan
Sansad Marg
New Delhi-110001
2. The Director General
Central Statistical Organisation
Sardar Patel Bhavan
Sansad Marg
New Delhi-110001
3. Shri R.Ravi
Under Secretary to the Govt. of India,
Ministry of Planning Deptt. of Statistics
Sardar Patel Bhavan,
New Delhi-110001

4. Shri B.S.Kambo
5. Smt.Arti Kachroo
6. Shri S.K.Gupta
7. Shri R.K.Gupta
8. Shri D.S.Sastry
9. Shri A.K.Sharma
10. Shri K.S.Rawat
11. Shri C.M.Gairi
12. Shri K.L.Bhuttan
13. Shri V.B.Gupta
14. Shri R.L.Mishra
15. Shri V.K.Handa
16. Shri R.C.Khorana
17. Shri S.S.Jhakar
18. Shri V.K.Gupta
19. Shri D.Sudhakar
20. Smt.Indira Rajaram
21. Shri Umed Singh
22. Shri Subhash Kumar

... Respondents

(All the respondents from serial number 4 to 22 are employed as Senior Investigators in C.S.O. under the Ministry of Planning, Department of Statistics, Sardar Patel Bhavan, Sansad Marg, New Delhi and be served through their employer Respondent No.3)

(By Advocate Shri H.K.Gangwani)

3) OA NO.1144/1996

1. Shri K.B.Sethi,
S/o Shri K.C.Sethi,
2. Shri Pitam Singh,
S/o Shri Karan Singh,
3. Shri H.N.Rai,
S/o Sh.B.N.Rai,
4. Shri Ved Prakash,
S/o Shri Sewa Ram,
5. Shri Prem Chand
S/o Shri Chhaju Mal,
6. Shri K.C.Saxena
S/o Sh.Harsarup Saxena
7. Shri Suresh Kumar
S/o Shri Parsat Ram
8. Shri R.S.Attri
S/o Sh.B.S.Attri,
9. Shri K.L.Goyal
S/o Shri Godhu Ram

.... Applicants

(All working as Senior Investigators,
Central Statistical Organisation,
Ministry of Planning, New Delhi)

(None for the applicants)

vs.

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1. Union of India,
through its Secretary,
Department of Statistics
Ministry of Planning,
Government of India
Sardar Patel Bhawan
Parliament Street
New Delhi.
2. The Director General
Central Statistical Organisation,
Government of India
Sardar Patel Bhawan
Parliament Street
New Delhi.
3. Shri Kailash Chandra
4. Shri B.K.Gupta
5. Shri B.S.Kambo
6. Smt.Arti Kachroo
7. Shri S.K.Gupta
8. Shri R.K.Gupta
9. Shri D.S.Sastry
10. Shri A.K.Sharma
11. Shri K.S.Rawat
12. Shri C.M. Gairi
13. Shri K.L.Bhuttan
14. Shri R.P.Sokhanda
15. Shri Suraj Bhan

..... Respondents

(Senior Investigators in the Central
Statistical Organisation, Government of
India, Sardar Patel Bhawan, Parliament
Street, New Delhi. Service to be effected
through respondent No.2)

(By Advocate Shri H.K.Gangwani)

O R D E R (ORAL)

Smt. Shanta Shastry, AM:

All the three OAs pertain to the same issue and have similar facts. Therefore, we proceed to deal with them together in this order. In OA No.390/96, the applicants were initially appointed to the grade of Computer in the Central Statistical Organisation. Thereafter, they were promoted to the grade of Junior Investigator on 7.5.1971 and were regularised on 18.6.1973. Thereafter on 13.1.1975 i.e. after

putting in more than 3 years of service as Junior Investigator, they were promoted to the grade of Senior Investigator on ad hoc basis. Since then, the applicants were continuously officiating as Senior Investigators. They were allowed to cross Efficiency Bar on 1.1.1984 and 1.1.1989 respectively. Thereafter after putting in more than 15 years of service as Senior Investigators, they were regularised in the grade of Senior Investigators on 2.4.1990. The applicants have prayed to direct the respondents to regularise them as Senior Investigators with seniority and consequential benefits from the date of their ad hoc promotion as Senior Investigator or alternatively to direct the respondents to convene a review Departmental Promotion Committee to consider the dates with effect from which the applicants could be regularised. The applicants have also sought promotion to the next higher grade in accordance with the rules amongst others. The applicants have sought the reliefs on the basis of the judgements given by this Tribunal in the case of Dina Nath & ors. Vs. Union of India & ors. in OA No. 894/1986 dated 10.8.1988 and in OA No. 1521/89, Inderjit Luthra & anr. Vs. Union of India & ors and OA No. 1627/89, B.B.Mathur & ors. vs. Union of India & ors dated 15.5.1992.

2. The learned counsel for the respondents has raised a preliminary objection of limitation as also of res judicata. The learned counsel submits that a final judgement was delivered by this Tribunal in an

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identical matter in the case of H.N.Rai & ors. vs. Secretary, Deptt.of Statistics & anr., in OA No.1631/89 and connected OA No.2051/89, Vijay Bhushan vs. Ministry of Planning & ors. decided on 22.11.1993. The applicants in these cases were similarly situated to the applicants in the present OA. The applicants herein were also parties to the said OAs. The Tribunal dismissed both the OAs on merits. It was, however, observed in the aforesaid judgment that the applicants in both the cases have been regularised only by an order issued on 10.9.1990 or on subsequent dates. Since the respondents themselves had conceded that the regular vacancies of Senior Investigators arose in 1986 consequent upon the implementation of the judgement in Narender Chadha's case. Timely regularisation of the applicants against those posts could not be made because of the pending litigation in Dina Nath's case etc." The Tribunal granted partial relief by quashing the order dated 10.9.1990 and directing the respondents to consider the cases of the applicants by a review DPC for regularisation in accordance with the rules as and when the regular vacancies arose i.e., in 1986 and thereafter to regularise them with effect from the date on which the vacancies were available for regularisation of promotees. Respondents were given time of three months for considering the same. The learned counsel for the respondents submits that on the basis of the directions given in the aforesaid judgement, the respondents regularised the applicants with effect from 15.11.1983 after taking into consideration the available vacancies.

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3. The learned counsel for the applicants contends that as a result of regularisation of the ad hoc promotees in view of Narender Chadha's case (supra) several vacancies arose from 1964 to 1982 and, therefore, there were vacancies available in 1975 when the applicants were given ad hoc promotion as Senior Investigators and hence the applicants should have been regularised with effect from the date they were given ad hoc promotion. In support of the same, the learned counsel for the applicants has drawn our attention to the list of Senior Investigators of C.S.O regularised as Assistant Director (ISS Grade IV) as per the judgement of the Supreme Court in Narendra Chadha's case decided on 11.2.1986 which has been annexed as Annexure R-2 to the O.A. The learned counsel submits that this was filed in reply to the contempt petition by the respondents themselves. It is seen from this list that the applicants in Narendra Chadha's case were appointed as Assistant Directors with retrospective effect from 1964 onwards. As such an inference can be drawn that the vacancies were available consequent upon the regularisation of the promotions of the applicants in Narender Chadha's case. This being the position, we feel that there is force in the applicants' claim and, therefore, they are required to be considered in the light of the resultant vacancies.

4. The learned counsel for the respondents once again avers that the respondents have taken into

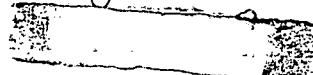
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consideration all the available vacancies while regularising the applicants with effect from 1983 and they have fully complied with the judgement of this Tribunal in the case of H.N.Rai (supra).

5. We, however, find that vacancies appeared to have occurred from 1964 onwards and there were vacancies in 1975 too when the applicants were promoted on ad hoc basis as Senior Investigators. The respondents, therefore, should review the situation in the light of the vacancies pointed out to us. Accordingly, we direct the respondents to hold a review DPC and to reconsider the claims of the applicants for regularisation from the dates they were promoted on ad hoc basis as per the relevant recruitment rules in terms of the judgement of the Tribunal in the case of H.N.Rai (supra) with reference to the regular vacancies as and when they arose with all consequential benefits. This exercise may be carried out within a period of six months from the date of receipt of a copy of this order.

6. All the three OAs are accordingly allowed. In the circumstances, there shall be no order as to costs.

(A. Chok Agarwal) -
Chairman



(Shanta Shastry)
Member (A)

Attested
Shanta Shastry

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