

Central Administrative Tribunal, Principal Bench

O.A.No.1245/96

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 28th day of August, 1997

Shri Y.C.Pant
s/o Late Shri D.D.Pant
working as First Secretary
Embassy of India, Rabat
permanent resident of
187, Maithri Apartments
Patparganj
Delhi - 110 092.

...Applicant

(By Shri Gurmeet Singh, Advocate)

By

Union of India
through Foreign Secretary
Ministry of External Affairs
South Block
New Delhi - 110 011.

...Respondent

(By Shri N.S.Mehta, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant joined the IFS(B) as a direct recruit Section Officer in February, 1977. He was promoted as Under Secretary which is a Grade-I post of IFS(B), in 1986. On recommendation of the DPC, he was given the seniority in Grade-I of 1984. He was further promoted to the Senior Scale of IFS(A) i.e. equivalent to the Deputy Secretary post w.e.f. 2.12.1992 vide order dated 16.6.1993 Annexure A-2 and A-3. He was posted as First Secretary in the Embassy of India, Khartoun and was later transferred in the same capacity to the Embassy of India at Rabat (Morocco). His grievance is that all of a sudden, on 15.5.1996, the impugned order dated 31.3.1996, Annexure-A1 was sent to him stating that he stood reverted from the Senior Scale of IFS(A) to Grade-I of IFS(B). He submits that neither any reason was given to him nor any show-cause notice was issued for such reversion at any stage.

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2. The respondents in reply have stated that though the applicant was promoted to Grade-I of IFS(B) and Senior Scale of IFS(A) on the dates claimed by him, a review DPC became necessary as the inter-se seniority of IFS(B) had undergone a change consequent on the decision of this Tribunal in OA No.837/86 dated 16.3.1993, K.J.Francis & Others Vs. Union of India. As a result of the review DPC, the date of promotion of the applicant in the Grade-I of IFS(B) was postponed to 15.1.1986 and as a result he was not considered in the review DPC for promotion to Senior Scale of IFS(A) and due to this change in his seniority and the resultant review DPCs that the impugned orders became necessary and have been issued.

3. We have heard the counsel on both sides. The question of revised seniority is not before us in this OA. However, the connecting OA No.1875/96 in which the question of inter-se seniority was taken up by the applicant was today dismissed ~~today~~ as withdrawn. Consequently we have to accept the version of the respondents that the reversion of the applicant became necessary on account of the revised seniority and the fact that he could not be considered by review DPC for promotion in the Senior Scale of IFS(A).

4. The applicant has been continued in Grade-I of Senior Scale of IFS(B) under the direction of the Tribunal's interim orders dated 18.6.1996. On return from his posting abroad, the applicant has been allowed to take over as Deputy Secretary in the Ministry of External Affairs. We are also informed by the learned counsel for the respondents, Shri N.S.Mehta, on instructions from the Departmental Representative who is present in Court, that the applicant will, if reverted ~~he~~ would be the senior most Under Secretary in Grade-I of IFS(B). Shri Mehta has also stated that vacancies in Grade-I of IFS(A) are available

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against which the promotions will be made by the next DPC and the applicant would be eligible therein to be considered for Senior Scale of IFS(A) in accordance with the Rules.

5. In the peculiar circumstances of this case and taking note of the fact that the applicant has already been considered by DPC once in 1993 for promotion to Grade-I Senior Scale of IFS(A) and has also worked in that capacity since then, we consider it in the fitness of things that he should be allowed to continue in the Senior Scale of IFS(A) till the next DPC meets and considers him in accordance with the revised seniority. Since vacancies are already available, we direct the respondents to hold the next DPC expeditiously and in any case not later than four months from today.

6. However, we make it clear that in case the DPC does not consider the applicant fit for promotion, the respondents will be at liberty to revert him and the applicant will have no claim to continue in the senior scale of Deputy Secretary/IFS(A).

OA is disposed of as above. No costs.

R. K. Ahooja
(R. K. AHOOJA)
MEMBER (A)

/rao/

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)