

Central Administrative Tribunal, Principal Bench

Original Application No. 1538 of 1996

New Delhi, this the 28th day of July, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman (A)

Hon'ble Mr. Kuldip Singh, Member (J)

Dr. S. S. Giani S/o Sardar Sawan Singh

R/o D-6/13, Vasant Vihar,

New Delhi-57.

Applicant

(By Advocate - Shri V.K. Mehta)

Versus

1. Union of India through
Secretary,
Ministry of External Affairs,
South Block,
New Delhi-11.

2. Union Public Service Commission,
through its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi-1.

3. Union of India through
Secretary,
Department of Personnel and Training,
Min. of Personnel, Public Grievances and
Pensions,
North Block,
New Delhi-1.

Respondents

(By Advocate - Shri V.S.R. Krishna)

O-R-D-E-R (ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman (A)

1. Applicant impugns respondents' order dated 29.3.96 (Annexure A-1) and seeks a direction that he is entitled to be promoted to Grade-III of I.F.S. w.e.f. 1992, the date his immediate junior was appointed to the said grade and to promote him to Grade-III of IFS in terms of the aforesaid prayer with all consequential benefits.

2. We have heard applicant's counsel Shri V.K. Mehta and respondents' counsel Shri V.S.R. Krishna.

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3. Applicant was appointed to the post of Dy. Director (Inspection) in the Ministry of External Affairs (in short 'MEA') in 1974 upon being selected through UPSC. The aforesaid post is an isolated ex-cadre Group 'A' post in the administrative set up of MEA. Another such isolated ex-cadre Group 'A' post is that of Dy. Director (Purchase). There were no promotional avenues for the incumbents holding these posts and for administrative reasons, a proposal was moved by the Ministry for induction of officers holding these posts into Grade-I of IFS 'B'. This necessitated amendment of the Recruitment Rules relating to IFS 'B' and the relevant Recruitment Rules were accordingly amended in 1978 (Annexure A-7) which provided for officers holding Group 'A' ex-cadre post to be inducted into general cadre of IFS. It is not denied that one Shri G.S. Bhatia who was holding the other ex-cadre post of Dy. Director (Purchase) was inducted into Grade-I of IFS 'B' vide order dated 8.11.1989 and was granted all consequential promotions upon such induction.

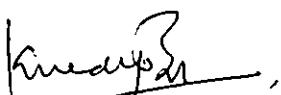
4. In applicant's case also, by respondents' order dated 4.8.93 (Annexure A-10), he was inducted into Grade-I of general cadre of IFS (B) w.e.f. 9.4.76 and was promoted to Grade-IV of IFS w.e.f. 9.3.87 vide order dated 15.3.95 (Annexure A-12) but has been denied promotion to Grade-III of IFS. Meanwhile, applicant has retired on superannuation on 30.9.95.

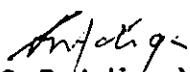
5. When respondents by their order dated 4.8.93 have themselves appointed him to Grade-I of General Cadre of IFS

(2)

... B.W.E.F. 9.4.76 and also promoted him to Grade-IV of IFS
 ... W.E.F. 9.3.87, we hold that it is unreasonable, illegal
 ... and unfair to deny him the consideration for further
 ... promotion to Grade-III of IFS with effect from the date his
 ... immediate junior was so promoted, if he was eligible for
 ... such consideration. Indeed we notice from respondents
 ... reply that a proposal to promote applicant to Grade-III of
 ... IFS was initiated by a duly constituted DPC, but the same
 ... was not approved, for reasons which have not been clearly
 ... specified in that reply.

6. In the light of above, this OA succeeds and is
 allowed to the extent that the impugned order dated 29.3.96
 is quashed and set aside. Respondents are directed to take
 a decision on the DPC's recommendations for applicant's
 promotion to Grade-III of IFS within three months from the
 date of receipt of a copy of this order. In the event the
 DPC did find applicant fit for promotion to Grade-III of
 IFS with effect from the date his immediate junior was
 promoted, applicant shall also be so promoted and granted
 such consequential retiral monetary benefits as are
 admissible to him in accordance with rules and instructions
 on the subject.


 (Kuldip Singh)
 Member (J)


 (S.R. Adige)
 Vice Chairman (A)

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