

Central Administrative Tribunal  
Principal Bench

O.A. No. 306 of 1994

New Delhi, dated this the 7<sup>th</sup> September, 1999

Hon ble Mr. S.R. Adige, Vice Chairman (A)  
Hon ble Mr. Kuldip Singh, Member (J)

Shri P.N. Goswami,  
S/o Shri B.N. Goswami,  
Private Secretary, Intelligence Bureau,  
R/o X-638, Sarojini Nagar,  
New Delhi-110023. .... Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India through  
the Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi-110001.
2. The Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India, North Block,  
New Delhi-110001. .... Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard.

2. Respondents have admitted that because their lapse in failing to include applicant's name in the 1978 Stenographer Gr. III seniority list he was not considered for promotion to Stenographer Gr. II by the 1978 DPC, on the basis of whose recommendations 10 Stenographers Gr. III were promoted to Grade II. After this lapse was brought to their notice, the seniority list was accordingly revised in 1979 and applicant's name was duly

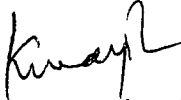
incorporated in the same along with that of other similarly placed Stenographers Gr. III. This revision in the seniority list required review of the promotions made. Respondents state that the promotions were accordingly reviewed in 1980, and 20 Stenographers Gr. III were empanelled for promotion as Stenographer Gr. III. Since only 10 vacancies were available in 1978 when the original DPC had met the first 10 Stenos out of the 20 in the panel were promoted as Stenographer Gr. II on regular basis, and the remaining 10 (including applicant who figured at Sl. No.12) were promoted as Stenographer Gr. II on ad hoc basis Respondents have stated categorically in their reply that the promotion of applicant's juniors who were promoted on the basis of the erroneous 1978 seniority list have been treated as fortuitous which would not count for seniority, and he remains senior to them even in the higher rank of P.S. In the light of the above, applicant's prayer for regular promotion as Stenographer Gr. II w.e.f. 1978 cannot be accepted.

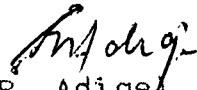
3. Respondents have admitted that because of their lapse, applicant is a loser by two annual increments over his juniors who were promoted as Stenographers Gr. II in 1978. They should release the 2 annual increments along with arrears from the

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date they became due till the date of actual payment, with interest @ 12% p.a. thereon, within three months from the date of receipt of a copy of this order.

4. The O.A. is disposed of in terms of Paras<sup>2</sup> 2 and 3 above. No costs.

  
(Kuldip Singh)  
Member (J)

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

/GK/