

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O. A. No. 1046 of 1994.

New Delhi, this the 3rd day of August, 1994.

Hon'ble Mr Justice S.K.Dhaon, Acting Chairman

Hon'ble Mr B.N.Dhoundiyal, Member(A)

1. B. S. Bindra
s/o Shri Bhagat Singh,
A-342, Kidwai Nagar East,
New Delhi-23.
2. Smt. Mira w/o
Shri Yash Pal Sharma
Block 11/182,
Dev Nagar,
New Delhi.
3. Smt. Usha Monga w/o
Shri Mangat Ram Monga
U & V Block, 25-B,
Shalimar Bagh,
Delhi-52.
4. Aziz Khan s/o
Shri Sardar Khan,
145, Sector-II,
Sadiq Nagar,
New Delhi.
5. Smt. Shippy Narang w/o
Shri Anil Narang
Block-A1/38,
Block -A1/38,
Janakpuri,
New Delhi.
6. Smt. Premila Bhalla w/o
Shri S.S. Bhalla
101/ Sector-IV,
R.K.Puram,
New Delhi.
7. Smt. Madhurika Kapoor
w/o Shri Arun Kapoor
19/3-A, Moti Nagar,
New Delhi-15.

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8. A.K. Malhotra s/o
Shri B.D. Malhotra,
D-10/117, Sector-VII,
Rohini,
Delhi-85.

9. Smt. Uma Bassi w/o
Shri Lalit Bassi,
B-5/167,
Paschim Vihar,
New Delhi-67.

10. S.P. Sharma s/o
Shri Yad Ram Sharma,
A-4/215, Nand Nagri,
Delhi-110093.

..... Applicants

(through Mr Jog Singh, Advocate)

VERSUS

1. Union of India
Through The Secretary,
Ministry of Agriculture
Department of Agriculture
and Cooperation
Krishi Bhavan, New Delhi

2. Union of India,
Secretary
Department of Personnel
and Training, *North Block.*
New Delhi

..... Respondents

(through Mr J.C.Madan vice original counsel
Mr P.H.Ramchandani, Sr.Advocate).

Order

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A)

The applicants belong to Central Secretariate
Stenographers Cadre and are working as Grade-C Stenogra-
phers under the Ministry of Agriculture. They are
aggrieved by the impugned order dated 17.5.1994
reverting them as Stenographers Grade-D. Their

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contention is that ~~they~~ having become eligible after five years of regular service of Stenographer Grade-D, they were screened by a duly constituted Departmental Promotion Committee before they were actually promoted to the post of Stenographer Grade-C. They were posted against regular Group C posts ² though on adhoc basis. Their reversion is the result of wrong implementation of the order of department of Personal and Training dated 1.11.1993 regarding restructuring the cadre of Central Secretariat Stenographer Services(CSSS). This Scheme aims at improving the promotional prospectus of the Stenographers and provides that a ratio of 40:40:20 will be maintained in the strength of post in Grade D, Grade C and Grade A&B respectively. The Scheme also provides that after restructuring if any regular Stenographer in a particular cadre is found surplus to the restructured strength, his name should be intimated to the Department of Personnel and Training for redeployment to the other Ministry. However, some of the regular Stenographers Grade-C have been adjusted against temporary and adhoc vacancies of Grade B, while the applicants are being reverted to Grade D. Had the Scheme been implemented correctly, all the surplus regularly appointed Stenographers would have been sent for deployment to other Ministries there would have been no need to revert the applicants. They have also mentioned that one Shri R.Ravinderan, who is junior to them is still continuing as Stenographer Grade-C on adhoc basis. They have sought a direction of this Tribunal for quashing the impugned order dated 17.5.1994 with all consequential benefits.

2. On 20.5.1994, this Tribunal passed an interim order staying the operation of the impugned order

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staying the operation of the impugned order dated 17.5.1994. This order continues till date.

4. In the counter filed by the respondents, the main averments are these: The Select List of grade of Stenographer C prepared as per Regulations in the fifth Schedule to the CSSS Rules consists of both the persons from Seniority Quota as well as Direct Recruit/Departmental Examination quota to the extent of the proportion prescribed under the rules. The eligible persons from the feeder Grade of Stenographer Grade D are included in the Select List of the year in accordance with the 'Range of Seniority' fixed by the DOPT to the extent of vacancies available for the purpose from Seniority Quota. The Select List of 1991 consisted of those appointed as Grade D in 1976 examination. The applicants were appointed as Stenographer Grade D on the basis of the examinations held in the years 1981, 1982 and 1983 and hence they were much junior and yet to come within the zone of selection. Rule 12(2) of the CSSS(Rules) 1969 provides that in the absence of Select List, the vacancies may be filled up by temporary promotion on the basis of the seniority subject to the rejection of unfit, of officers of Grade D of the service in Grade-C cadre, who have rendered not less than 5 years approved service in Grade D and within the 'Range of Seniority'. The applicants were given opportunity to officiate in Grade-C on adhoc basis. Restructured strength in the Grade of Stenographers Grade C is 142 against the pre-restructured strength of 181. It was due to this reason that reversion of 11 junior adhoc grade-C Stenographer became inevitable. They have

admitted that Shri R.Ravindran, who was junior to some of the applicants had been wrongly promoted as adhoc Stenographer C by the Department of Animal Husbandary and Dairying. This matter was taken up with the department and the adhoc appointment of Shri R.Ravindran has been discontinued w.e.f.12.5.1994.

5. We have gone through the records of the case and heard the learned counsel for the parties. The learned counsel for the respondents has stated that the pre-structured strength of Grade-D, Grade C and Grade A&B of the CSSS was 120,181 and 54, respectively while the restructured strength is 142,142 and 71, respectively, however, only 167 regular Grade-C Stenographers were in position as on 1.11.1993. Hence only 25 regular Stenographer Grade-C were exceeding the revised number of 142 and not 39 as stated by the applicants. Para 2 of the O.M.dated 1.11.1993 permits adjustment of regularly appointed Stenographers in Grade-C against vacancies of Grade A&B. It clearly states that the cadres are requested to divert the unfilled Direct Recruitment Quota vacancies of Select List 1990 to the seniority quota. ~~as the order~~ ~~xxxxxxxxxxxxxx~~ He also made a categorical statement that six of the applicants are being adjusted against Grade C post and the remaining will also be adjusted within a period of four-five months. We take notice of this assurance given by the counsel for the respondents. Till such time the applicants are adjusted in the aforesaid manner, the impugned order dated 17.5.1994 shall not be given effect to.

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6. The application is disposed of with the above observations. There will be no order as to costs.

B.N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A)

S.K. Dhaon
(S.K.Dhaon)
Acting Chairman.

/sds/