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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 118/2000

New Delhi this the 3rd day of August, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1. Dr. Uma Kapoor W/O Naresh Kapoor,
Working as Scientist-C,
Central Ground Water Board,
Jamnagar House, Mansingh Road,
New Delhi.
R/O H-25, Green Park Extension,
New Delhi.
2. Arijit Dey S/O P.B.Dey,
Working as Scientist-C,
Central Ground Water Authority,
1103 Ansal Bhawan, K.G.Marg,
New Delhi.
R/O C-2/17, Bashishta Park,
Pankha road, New Delhi.
3. Y.B.Kaushik S/O M.N.Kaushik,
Central Ground Water Authority,
1103, ansal Bhawan, K.G.Marg,
New Delhi.
R/O 1005, Type-IV, NH-IV,
Faridabad-121001.
4. C.P.Prabhakar S/O C.Das,
Central Ground Water Board,
Block C, New CGO Complex,
NH-IV Faridabad,
R/O 990, Type-IV, NH-IV,
Faridabad.
5. Sunil Kumar S/O Kabool Singh,
Central Ground Water Board,
Block C, New CGO Complex,
NH-IV Faridabad,
R/O 974, Type-IV, NH-IV,
Faridabad.
6. K.V.Kumar S/O K.Subba Rao,
Central Ground Water Board,
Block C, New CGO Complex,
NH-IV Faridabad,
R/O 984, Type-IV, NH-IV,
Haryana.

... Applicants

(By Shri Ajit Puddussery, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi.
 2. Chairman,
Central Ground Water Board,
Jamnagar House, Mansingh Road,
New Delhi.
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3. Chairman,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi. ... Respondents

(By Ms. Pratima K. Gupta, Advocate)

O R D E R (ORAL)

Shri V.K.Majotra, AM :

The applicants are working as Scientists-C under the respondents 1 and 2. They were considered by the assessment board under the Flexible Complementing Scheme (FCS) in interviews held at the Union Public Service Commission between 25.1.1999 and 6.2.1999 for promotion as Scientists-D. It has been alleged that the results of the aforesaid interviews and the consequential promotion orders have not yet been issued. The applicants have sought directions to the respondents to declare the results of the promotion process and to grant promotions to the applicants who are found fit for promotion.

2. According to the respondents, under the FCS, the applicants were interviewed by the assessment board for in situ promotion to the grade of Scientist-D. The result of the interviews has been kept in sealed cover consequent upon the interim orders obtained by several other officers of the Central Ground Water Board from various Benches including the Principal Bench of the Tribunal. The Union of India had filed a transfer petition in the Principal Bench of the Tribunal seeking transfer of all such cases in the Principal Bench so that all cases having similar cause are heard at one place and a uniform view is taken by the Principal Bench. However, due to resistance of the applicants, vide

order dated 8.10.1999 the following order was passed in P.T. No.135/99 in O.A. No.429 Jaipur/1998 :

"....In order to avoid conflicting judgments, the official respondents may pick-up a case pending in Principal Bench or any other Bench and apply for early hearing of that case, if so advised, on the grounds urged before me in support of the petitions for transfer. Insofar as other cases are concerned, applications for postponing the hearing of those cases may be made pending disposal of that case where early hearing is sought. I have no manner of doubt that if such a course is followed, the applicants in various OAs may have no objection if their cases are disposed of after disposal of one similar case on production of an authentic copy of order in such case.

Subject to observations aforesaid, all these PTs are hereby rejected."

3. In pursuance of the order dated 8.10.1999 quoted above, the respondents decided to pursue O.A. No.236/99 filed by Shri P.N.Singh; O.A. No.469/99 filed by Shri Javed Raza; and O.A. No.1216/99 filed by Shri D.Chakraborty, pending before the Principal Bench. These cases were posted for hearing on 7.4.2000 in the Principal Bench and the next date of hearing was fixed by the Principal Bench as 27.7.2000. The learned counsel for the respondents stated that the hearing of these cases has now been fixed for 27.9.2000, 9.10.2000 and 30.8.2000 respectively. The learned counsel has also submitted that unless the stay orders in these cases are vacated or these OAs are finally disposed of, it would not be possible to act upon the result of the interviews held between 25.1.1999 and 6.2.1999.

4. After hearing the learned counsel on either side, we are of the view that unless the stay orders


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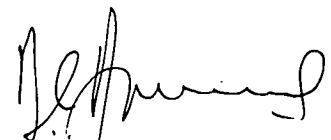
granted in the aforestated OAs are vacated or unless those OAs are finally disposed of, it would not be possible for the respondents to declare the results of the promotion process under the Flexible Complementing Scheme for promotion as Scientist-D which is the relief claimed by the applicants in the present OA.

5. The learned counsel for the respondents has made a statement at the Bar in consultation with Shri G.P.Sharma, Administrative Officer, departmental representative, who is present in the court, that after the stay orders in the aforestated cases are vacated the respondents shall declare the result of the promotion process and subject to the orders to be passed in the related OAs, grant promotions to all the applicants who are found fit for promotion.

6. In view of the assurance on behalf of the respondents, we proceed to dispose of the present OA by observing that it would be open to the the applicants to have themselves impleaded in the aforestated OAs so as to make their submissions in the matter before the court.

7. The present O.A. is disposed of in the above terms. There shall be no order as to costs.


(V. K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/as/