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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

OA.No.1798/89

Date of Decision:26.02.92

Shri Gulab Singh & Ors.

Applicants

Shri S.K. Sawhney

Counsel for the applicants

Vs.

Union of India & Ors.

Respondents

Smt Avnish Ahlawat

Counsel for the respondents

CORAM:

The Hon'ble Mr. Ram Pal Singh, Vice Chairman(J)

The Hon'ble Mr. I.K. Rasgotra, Member(A)

JUDGEMENT(Oral)

(of the Bench delivered by
Hon'ble Member(Admn.) Shri I.K.Rasgotra)

Shri Gulab Singh and 12 others working in Nari Niketan under Delhi Administration have filed this application under Section 19 of the Administrative Tribunal's Act, 1985, seeking the benefit of seniority and promotion of their antecedent service rendered while they were working under the Nari-Niketan Board.

2. Some of the applicants are employed on Watch and Ward duties and some others are Store Keepers, LDC, Head Clerk and Typist, one of them is working as a Cook and another is a Sweeper. The management of Nari Niketan was vested in the Delhi Administration w.e.f. 01.12.1979 vide notification dated 23.08.1983, issued by the Directorate of Social Welfare. The said notification provides the terms and conditions of absorption of the employees of the Nari Niketan in Delhi Administration. Prior to the take over of the institution

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by the Delhi Administration, Nari Niketan was managed by an autonomous Board constituted vide notification dated 07.03.1956. The said Board was 100% funded by the Delhi Administration.

3. The grievance of the applicants is that, although they have been absorbed in the Delhi Administration and their antecedent service reckoned for purpose of retirement benefits, the same is not being reckoned for seniority and promotion.

4. We have heard the learned counsel for the applicants Shri S.K. Sawhney and Mrs. Avnish Ahlawat, learned counsel for the respondents. The learned counsel for the respondents referred us to para 2(a) and e-C(iii) of the order dated 23.08.1983, vesting the administration of Nari Niketan in Delhi Administration. The said paragraph reads as under:- *l*

"2(a) All the employees of the Nari Niketan to be absorbed in the Service of the Delhi Administration will have no relation with other employees in the similar scale of pay but governed by various different sets of rules and be placed in altogether a separate cadre to be called the 'Ex-cadre (Nari Niketan)'."

"e-C(iii) The existing employees so absorbed shall also be eligible for promotion to the higher post provided the incumbents fulfil the minimum conditions attached with the posts. Their past experience will be taken into account for the purpose of experience but their seniority shall be taken from the date of taking over of the institution."

5. The learned counsel explained that the erstwhile Nari Niketan employees are kept on the ex-cadre posts and

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that they will be eligible for promotion to the next higher grade in Delhi Administration on the basis of their seniority reckoned from 01.12.1979, the date on which the administration of Nari Niketan was vested on Delhi Administration; in other words, they will form the feeder category for the next higher grade as available to their counter parts in Delhi Administration, whose seniority is reckoned from 01.12.1979. According to her, the dispute arose as the applicants are seeking seniority from the date they joined Nari Niketan originally.

6. The applicants in the O.A. had prayed for relief w.e.f. the date from which they joined the service of Nari Niketan initially. However, in the course of the hearing, the learned counsel for the applicants affirmed, when questioned by the Bench, that the applicants will be fully satisfied if their seniority is reckoned w.e.f. 01.12.79 for the purpose of seniority for promotion to the next grade.

7. In the above view of the matter, we direct that the respondents shall take action accordingly and consider the applicants for promotion to the next higher grade reckoning their seniority w.e.f. 1.12.1979 in their respective grades. If any of their juniors in the respective categories have been promoted in the respective cadre posts in Delhi Administration the case of the applicants shall be considered by competent authority/DPC for promotion from the date their next juniors were promoted.

8. The above orders shall be implemented most expeditiously and preferably within 16 weeks from the date of communication of this order.


(I.K. RASGOTRA)
MEMBER(A)


(RAM PAL SINGH)
VICE CHAIRMAN(J)