

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A. No. 1864/89

New Delhi, dated the 6th May, 1994

(8)

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

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Brijesh Kumar Aggarwal,  
R/O B-8/21, Vasant Vihar,  
New Delhi.

Shri Nem Kumar  
R/O FC/81-Tagore Garden,  
New Delhi.

... Applicants

(By Advocate Sh.S.K. Bisaria )

V/s

1. Union of India, through,  
Secretary,  
Ministry of Water Resources,  
Sharam Shakti Bhawan, N/Delhi

2. Chairman,  
C.W. Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi.

... Respondents

(By Advocate Sh.K.L.Bhandula )

ORDER(ORAL)

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

This application has been filed by Shri Brijesh Kumar Aggarwal and Sh.Nem Kumar, Research Assistants in Central Water Commission challenging the seniority list of Research Assistants issued by the respondents vide order dated 31.3.1986. The applicants were working in Ganga Basin

Water Resources Organisation having two separate cadres

one of the Research Assistant and other Silt Analysts.

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According to them, the qualifications for the post of Research Assistant is M.Sc or B.Sc 1st Class, while that for Silt Analyst the only qualification was B.Sc. Responsibilities of the Research Assistant were being the incharge of the division office and to carry out the studies as per direction of Executive Engineer in specified fields. Silt Analyst had only the job of Analysis in the Laboratory.

2. In the order dated 1.3.1973, the post of Silt Analyst was merged with that of the Research Assistant and redesignated as Research Assistant. A common seniority list has been prepared in which the applicant No.1 was shown at Sl.No.46 and applicant No.2 at Sl.No.47. Subsequently, the Research Assistant working in Ganga Basin Water Resources Organisation merged with the Research Assistant of Central Water Commission in 1978. A new combined seniority list was notified in Feb., 1989, wherein the number of the applicants have gone down at Sl.No.77 and 78 respectively. A number of representations were submitted to the authorities and vide order dated 21.6.89 respondents informed the applicants that the representations of the applicants cannot be forwarded to the Ministry as the seniority has long back been settled and finalised.

3. In the counter filed by the respondents, the main averments are that the impugned seniority list was issued on 31.3.1986 but the application filed in 8/1989

is time barred. Resignation of the posts of Silt Analyst as Research Assistant was done vide order dated 1.3.1975 of the Ministry of Agriculture and Irrigation. With the formation of one cadre of Research Assistants in the Ganga Basin Water Resources Organisation, the seniority of the existing incumbents in the post of Research Assistant and Silt Analyst was rightly arranged in the merged cadre according to their continuous length of service in the grade of Research Assistant/Silt Analyst. Both posts were Class-III posts with identical pay scale of Rs 210-425/- Later on non-gazetted technical posts including Research Assistants in the Indus Waters, Ganga Basin/Joint River Commission Wings of the Department of Irrigation and Ganga Basin Water Resources Organisation were merged with the cadres of Central Water Commission and given the seniority on the basis of length of service in the grade in accordance with the guidelines given by the Ministry of Agriculture and Irrigation vide order dated 3.11.1978.

4. We have gone through the records and heard the learned counsels for both the parties. Applicants firstly challenged the resignation of post of Silt Assistant vide order dated 1.3.1975 and secondly, the seniority list of Research Assistant of Central Water Commission issued in 1986. The application, is, therefore, barred by time. Moreover

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while merging the cadre of Research Assistant of different units, <sup>bw</sup> the only principle that could be logically followed was continuous of length of service in the grade. This is in fact incorporated in circular dated 3.11.78 drawing up integrated seniority of the merged cadre and reads as follows:-

"The non-gazetted technical officers, now borne on the cadre of GB/JRC Wing, Indus Waters Wing of the Department of Irrigation and GBWRO, would be fitted into the seniority lists of the corresponding cadres of the CWC according to the dates of their regular appointments to the grades concerned that is, the seniority of the non-gazetted staff in the combined cadre will be determined on the basis of the length of continuous regular service in the grade concerned subject to maintenance of internal seniority in the respective grades, subject to the following provisions."

5. In the facts and circumstances of the case, applicants are not entitled to any relief and the O.A. is hereby dismissed.

There will be no order as to costs.

Lakshmi Swaminathan  
(Lakshmi Swaminathan)

Member(Judicial)

B.N. Dhandayal  
(B.N. Dhandayal)

Member(A)

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