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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A. NO. 763/89

Monday, this the 11th day of April, 1994

SHRI N. DHARMADAN (J)  
SHRI P.T. THIRUVENGADAM (A)

1. Mahinder Singh,  
House No. 1407, Pana-Paposian,  
Narela, Delhi 110 040.

2. Subhash Chander,  
131/15 Pushp Vihar, Sector-I,  
New Delhi 110 017.

.. Applicants

By Advocate Shri D.C. Vohra

v/s

Union of India through  
The Foreign Secretary,  
Govt. of India,  
Min. of External Affairs,  
New Delhi 110 011.

.. Respondent

By Advocate Shri N.S. Mehta (Not present)

ORDER

N. DHARMADAN (J)

Two applicants have jointly filed this application mainly for a direction to the respondent for fixing their seniority in the cadre of Lower Division Clerks in Grade VI of the IFS (B) taking into consideration their pass in the departmental examination for the aforesaid grade held in the year 1985.

2. The applicants joined service as casual labourers. They were appointed as Peon on ad-hoc basis on 28.9.79 and confirmed as per Annexure -A2 order dated 21.9.1983, with effect from 17.9.1983. They sat for the Grade-VI departmental examination for promotion to the post of Lower Division Clerk under Rule 16(1)(i)(a) & (b) of IFS (B) - RCSP Rules, 1964, in the year 1985. Annexure -F, last page of seniority list of LDCs who have passed the departmental examination for promotion

to Grade-VI of IFS (B) shows that the applicants have passed the examination in the year 1985. But their seniority has not been fixed. There is a reference in Annexure-F that their seniority <sup>position</sup> will be determined later. Thereafter, even though seniority lists have been issued fixing the seniority of large number of LDCs who have passed the departmental examination in the year 1985, the applicants were not included in the same. Accordingly, the applicants have also filed representations, but they were not disposed of favourably. In these circumstances they have filed this application with the aforesaid relief.

3. Rule 16 of IFS Branch 'B' (Recruitment, Cadre, Seniority and Promotion) Rules, 1964, which applies to the facts of this case is extracted below:-

"16. Recruitment to Grade-VI of the General Cadre - (1) Vacancies in Grade-VI shall be filled in the following manner, namely:-

- (i) Ten percent of vacancies may be filled by appointment by promotion of Group-D employees working in the Ministry of External Affairs, in the following manner, namely:-
  - (a) Five percent of the vacancies may be filled on the basis of qualifying examinations held for this purpose by the Staff Selection Commission; and
  - (b) Five percent of the vacancies may be filled on the basis of seniority, subject to the rejection of the unfit, from amongst those Group-D employees who are within the range of seniority prescribed by the Controlling Authority and are educationally qualified for appointment as Lower Division Clerks, ie. who have passed Matriculation or an equivalent examination of a recognised Board or University. "

4. The respondent has admitted in the reply that applicants' appointment was to be made against the vacancies arising in the subsequent years considering their pass in the departmental examination for promotion to Grade-VI of IFS (B).

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5. In the light of the statement in the reply, we are of the view that this application can be disposed of with directions.

Accordingly, we direct the respondent to regularise the applicants in Grade-VI of IFS (B), <sup>if they are otherwise fit for the same.</sup> We also direct the respondent to fix the seniority of the applicants taking into account their pass in 1985 as indicated in Annexure-M, along with other persons who have passed the departmental examination in the same year, against the quota earmarked under Rule 16(1)(i)(a) & (b) of aforesaid rules.

6. In the result, the application is disposed of with the aforesaid directions. There will be no order as to costs.

f. o. d.

( P.T.THIRUVENGADAM )  
MEMBER(A)

N. Dharmadan  
( N.DHARMADAN )  
MEMBER(J)

11.4.94.

v/-