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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPALA BENCH
NEW DELHI**

O.A. NO. 1346/88

DECIDED ON : 8.10.1993

Shri S. S. Sachdev

...

Petitioner

Vs.

Union of India through Secretary,
Department of Statistics, Ministry
of Planning

...

Respondent

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri M. R. Bhardwaj, Counsel for Petitioner

Shri P. P. Khurana, Counsel for Respondent

O R D E R (ORAL).

(By Hon'ble Mr. Justice V. S. Malimath)

After hearing the learned counsel for both the parties, we are satisfied that the petition^r is covered by the judgment of this Tribunal in TA 45/85 decided on 21.5.1987. The directions given in the said judgment in paragraph 23 are as follows :-

"23. In the light of the above, we pass the following orders :

(1) inter se seniority in Grade IV of persons inducted into the ISS in February 1964 as part of the initial constitution as finally determined by respondents 1-5 is upheld;

(2) persons inducted in Grade IV of the ISS in February 1964 as part of the initial constitution will, en bloc be senior to those inducted into that Grade in 1968 and 1969 as a result of the encadrement of new posts in 1966;

(3) if as a result of the directions given at (1) and (2) above, the applicants gain in seniority in the initial grade i.e., Grade IV, they should be considered for promotion to successively higher grades on the basis of such revised seniority, and if they are considered fit for such promotion(s) from anterior dates, they should be given all consequential monetary benefits for the period they were in service and all consequential terminal benefits on their retirement."

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2. It is thus clear that the inter se seniority of persons who were inducted in the ISS (Indian Statistical Service) in February, 1964 as part of initial constitution as finally determined by the respondents was upheld and the seniority and promotion of the persons inducted by initial constitution was required to be regulated in accordance with the said directions. The petitioner points out that Shri Sumer Chand was a person junior to him among those inducted by way of initial constitution. The directions in the judgment are general in character and not restricted ^{to the petitioners in that case} / so far as the determination of seniority of those initially inducted in the year 1964 are concerned. Hence, it follows that even those who had not approached the Tribunal for relief, if they fall in the same category of persons inducted as part of initial constitution in February, 1964, they would also be entitled to the benefit of the directions given by the Tribunal in TA 45/85. It follows that we should direct the respondents to accord to the petitioner the same benefits which had been accorded by the judgment of the Tribunal in the said case.

3. It is, however, brought to our notice that whereas the SLP filed by the Union of India has been dismissed by the Supreme Court, the SLP filed against the same judgment by one D. S. Ramaratnam has been granted on 26.9.1988 and the appeal is pending before the Supreme Court. Possibility of the judgment of the Tribunal in TA 45/85 being reversed or modified cannot, therefore, be excluded altogether


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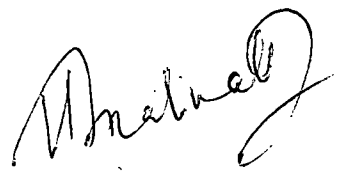
at this stage. That being the position, we consider it just and proper to safeguard the interest of the respondents also in the event of the Supreme Court reversing the judgment of this Tribunal. As the petitioner has already retired from service, it will not be just and fair to deprive him of the monetary benefits.

4. In these circumstances, we dispose of this application with the following directions :

- (1) The petitioner shall be accorded the same benefits which were accorded to the petitioners in TA 45/85.
- (2) In the event of the Supreme Court reversing or modifying the judgment of the Tribunal the petitioner shall be liable to refund the monetary benefits that he would have secured in pursuance of these directions.
- (3) The monetary benefits to which the petitioner would become entitled to in pursuance of these directions, shall be determined and paid to him within a period of four months on his furnishing adequate security to the satisfaction of the respondents. It is needless to clarify that the security that is contemplated is not necessarily the security by way of bank guarantee. Any other satisfactory security should be accepted.

5. No costs.


(S. R. Adige)
Member (A)


(V. S. Malimath)
Chairman