

Central Administrative Tribunal
Principal Bench
New Delhi.

New Delhi this is ~~the~~ ^{day of} 15th November, 1993.

DA 1644/88

CORAM:

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member(A)

Shri Ashok Kumar
S/o Shri Baldev Singh
R/o WZ-B-21, SIS, Ram Park,
Uttam Nagar,
New Delhi-110059.
By Advocate Sh. V.P. Sharma

..... Applicant

VS

Union Of India through
Chief Administrative Officer,
Ministry of Defence,
Government of India,
New Delhi.

The Secretary to the Government
of India, Department of Personnel
& Training (C.S.II SECTION)
Nirvachan Sadan,
New Delhi.

By Advocate: Sh. P. L. VERMA

..... Respondents

ORDER (oral)

The applicant is working a Stenographer Grade 'C' in the office of Respondent No.1 w.e.f. 7th Nov. 1988. He was appointed on the basis of Selection conducted by the U.P.S.C. in 1986 for the post of Stenographer Grade 'C'. In the merit list of the U.P.S.C. his serial No. is 212. The grievances of the applicant is that he was appointed on 28th Oct. 1981 and he has not been given any appointment as Stenographer Grade 'C' by the Chief Administrative Officer, Ministry of Defence, nor the

Ministry of Personnel & Training has cared to assign him to the Ministry of Human Development where he could be appointed/promoted as Grade 'C' Stenographer. Other candidates from Rank No. 213 onwards who qualified in the said Stenographer Grade 'C' Examination 1986, have been long given appointment but the applicant is discriminated and has not been given any appointment as Stenographer Grade 'C'. The applicant grievances is that huge loss was suffered in his monthly emoluments and he is being denied annual increments which his juniors are drawing or will be entitled to draw, as they have already joined their posts. The applicant is denied the benefit of his service in Stenographer Grade 'C' service for the posts to which he may become entitled in due course.

In his representation dated 24.2.1988 the applicant informed the Chief Administrative Officer, Ministry of Defence that his character and antecedents were verified by the Government of India, Department of Education, Ministry of Human Resource Development. In the applicant he has prayed for direction to the Chief Administrative Officer to give appointment to the applicant retrospectively from 28.10.1987, the date on which he was offered the appointment or any subsequent date when his junior Rank No. 213 got the appointment and difference of pay in the scale of Grade 'D', where he was working since Feb. 1988 till his joining with the respondent No. 1 in Nov. 1988, he paid to him.

A notice was issued to the respondents who filed their reply and contesting the application and stated that the matter has been under consideration as the applicant was not honourably acquitted in the murder case in which

he was earlier convicted by Session Court in Jan. 1982.

He was acquitted on the ground of paucity of evidence on benefit of doubt by the High Court and Supreme Court dismissed the S.L.P. on the ground of limitation and not on the ground of merit.

We heard the counsel for the applicant and Shri M.S. Ramalingam, Legal Advisor of the respondents.

The applicant has already been given the seniority in Stenographer Grade 'C' as stated by departmental representative. So, the applicant will not lose his seniority shown in the merit list of selection of Stenographer Grade 'C' 1986 as recommended by U.P.S.C. The delay in appointment was because the applicant was convicted by Session Judge, under Section 302. In the appeal filed before the High Court of Punjab and Haryana the applicant along with other accused in the case was acquitted on the ground of paucity of evidence and as they were considered to be entitled to benefit of doubt. S.L.P. filed by the Govt. of Haryana in the Supreme Court against the judgement of the High Court of Punjab and Haryana.

In view of the above facts and circumstances the seniority of the applicant stands allowed to him by the authorities at the same place at which his name appears in the merit list prepared by the U.P.S.C. As regards the difference of pay in the scale of Stenographer 'D' and 'C', the applicant only worked in another department as Stenographer 'D' therefore, he cannot be

granted this relief. Further the respondent No. 1 has in a bonafide manner get the antecedents of the applicant verified which took sometime with the result the appointment was delayed. There is no administrative lapse from the side of the respondents.

The application therefore, is disposed of accordingly with no order as to costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)