

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 353 of 1988 198
T.A. No.

DATE OF DECISION 6.7.88

Shri G.M. Nimbalkar Petitioner

Shri S.C. Mitra Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

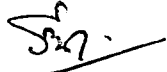
Shri P.P. Khurana Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. S.P. MUKERJI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Yes*


(S.P. MUKERJI)
ADMINISTRATIVE MEMBER


(P.K. KARTHA)
VICE-CHAIRMAN (J)

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Regn.No.OA No.353/88

DATE OF DECISION: ~~6.7.86~~ 6.7.88

Shri G.M. Nimbalkar

...Applicant

Versus

Union of India and others

...Respondents.

For Applicant: Mr. S.C. ^{Lukhwa} ~~Mitra~~, Advocate

For Respondents: Mr. P.P. Khurana, Advocate

CORAM: HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J)
HON'BLE MR. S.P. MUKERJI, ADMINISTRATIVE MEMBER

JUDGMENT:

(Judgment of the Bench delivered by
Mr. S.P. Mukerji, Administrative Member)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that his seniority in the cadre of A.C.I.O.-I in the Intelligence Bureau ^(I.B.) should be fixed after counting his service from 1.4.75 in that grade with all consequential benefits.

2. The brief facts of the case are that he came over on deputation to the I.B. from the Karnataka State Police Service on 10.1.66 as Assistant Central Intelligence Officer-Grade II (A.C.I.O.-II). As a deputationist he was promoted as A.C.I.O.-I on 3.10.74. He was absorbed permanently in I.B. in the grade of A.C.I.O.-II w.e.f. 1.4.75 and his service in the grade of A.C.I.O.-I was regularised w.e.f. 2.4.86. The respondents have counted his service as A.C.I.O.-I for purposes of seniority w.e.f. 2.4.86 by overlooking his service as A.C.I.O.-I rendered before his regular appointment.

contd...

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3. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. In a similar case of an I.B. Officer, ^{the Principal Bench of} this Tribunal in T870/85, Baldev Singh and others Vs. Union of India and others, ⁱⁿ decided on 13.1.88 relying upon still another similar case of an I.B. Officer decided on 16.12.86 by the Bombay Bench in O.A. 31/86 allowed service in A.C.I.O.-II prior to regular appointment for purposes of seniority in A.C.I.O.-II cadre but subsequent to the date of absorption in the I.B. A copy of the Principal Bench's judgment has been placed at Annexure A-7 to the petition. In view of the clear decisions of the Tribunal in the aforesaid two cases we allow this application with ^{also} a ^{the} direction that the respondents should count the applicant's service in the grade of A.C.I.O.-I w.e.f. 1.4.75 for purposes of seniority in that grade with all consequential benefits of his being considered for further promotion w.e.f. the date his next junior in accordance with the revised seniority was considered. The revised seniority should be determined and his case ^{for promotion} considered on these lines within a period of 3 months from the date of communication of this order. There will be no order as to costs.

S.P. Mukerji
6.7.88.
(S.P. MUKERJI)
ADMINISTRATIVE MEMBER

P.K. Kartha
6/7/88
(P.K. KARTHA)
VICE-CHAIRMAN(J)

Corrections about the date of judgment and the name of the learned counsel for the applicant have been carried out on the basis of our order of today or M.P. 1490 of 1988.

S.P. Mukerji
5.8.88

P.K. Kartha
5/8/88