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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 883/88

New Delhi this the 26th day of April, 1995.

Hon'ble Shri N.V. Krishnan, Vice Chairman(A).

Hon'ble Dr. A. Vedavalli, Member(J)

1. Dr. Onkar Prasad,
S/o Shri S.R. Lal,

2. Shri J.U. Hingorani,
S/o Shri U.V. Hingorani,

(Both Assistant Meteorologist
in the office of Director General of
Meteorology, Mausam Bhavan,
Lodhi Road, New Delhi).

..Applicants.

By Advocate Shri M.K. Gupta.

1. Union of India through
the Secretary,
Ministry of Science and Technology,
Department of Science & Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi-110016.

2. The Director General of Meteorology,
India Meteorological Department,
Lodhi Road,
New Delhi-110003.

..Respondents.

By Advocate Shri V.S.R. Krishna.

ORDER (ORAL)

Hon'ble Mr. N.V. Krishnan, Vice Chairman(A).

The two applicants before us belong to the India Meteorologist Department. Their grievance is that they have not been given timely promotion to the rank of Meteorologist Grade-I as compared to their juniors. The three prayers made in the O.A are as follows:

(i) That this Hon'ble Tribunal be pleased to issue a direction to the respondents to count the ad hoc/officiation period of the applicants as an Assistant Meteorologist for the purpose of seniority with all consequential benefits on basis of the principles 'Relate Back'.

(ii) That this Hon'ble Tribunal be pleased to declare that the relaxation from completing eight years of qualifying service for the purpose of

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promotion to Meteorologist Grade-I is also applicable to the applicants.

(iii) That this Hon'ble Court/Tribunal be pleased to issue a direction to the respondents to give effect the promotion order, of the applicants in the grade of Meteorologist Grade-I from the date their juniors have been promoted and all other consequential benefits including arrears of pay, revision of seniority in the respective cadres, etc."

2. To cut matters short it can be straightaway stated that the learned counsel for the applicant does not press prayer No. (i) in view of the decision rendered earlier in O.A. 2164/90.

3. He seeks direction on the other prayers. It is alleged in para 6(j) of the O.A. that the nine persons named in the table therein are juniors to the applicants and were considered for promotion to the post of Meteorologist Grade-I in 1984 on various dates by relaxation of rules. Though the recruitment rules required eight years of service in the grade of Assistant Meteorologists for promotion, these nine persons did not have such service and, therefore, given relaxation from that condition and considered for promotion and promoted. The two applicants, therefore, pray that the same kind of relaxation should also have been given to them also and their cases also should have been considered by the DPC at the same time. Hence, the prayers (ii) and (iii) mentioned above.

4. The respondents have contended that the allegation made in para 4(j) is not correct inasmuch as the nine persons mentioned therein were not juniors to the applicants. When the DPC met in 1984, the only seniority list available with them was the one prepared as on 28.6.1982. In that seniority list, Shri S.K.

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Dass, the first of the nine persons, is placed at Serial No. 115 and the ninth person, Shri K. Ratnam, is shown at Serial No. 157 while the applicants are at serial No. 208 and 213 respectively. The respondents contend that no officer junior to the applicants on the basis of that seniority list was promoted.

5. They further state that the seniority list of 1982 was successfully challenged before the Madras Bench and, therefore, a revised seniority list was published in 1987. That seniority list too was also further revised in 1989. In both the seniority lists also the said nine persons are shown to be senior to the two applicants. The seniority list prepared in 1989 was challenged in O.A. 2164/90 but was dismissed. It is, therefore, contended that the applicants can have no claim based on the promotion accorded to the aforesaid nine persons.

6. During the course of the arguments, the learned counsel for the applicants stated that the O.A. was filed long before the decision in O.A. 2164/90. He, therefore, requested that the plea of relaxation be considered, irrespective of the fact that the applicants are juniors to the nine persons mentioned in para 6(j).

7. In this regard, the learned counsel for the respondents submitted that the nine persons mentioned in para 6(j) are direct recruits. Their length of service is less than eight years in the grade of Assistant Meteorologist or Meteorologist Grade-II, or both put together. In spite of this, they were found eligible for promotion and promoted because of the standing instruction contained in a memo of the Department of Personnel that if a junior person having the necessary length of service specifiedⁱⁿ, the

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recruitment rules for promotion is considered for promotion, persons senior to him, who may not have the required length of service, should necessarily be considered for promotion. It is by virtue of this instruction that the nine persons were considered for promotion. He, therefore, contended that the case of the applicants is distinguishable from the case of the nine persons.

8. At this point, the learned counsel for the applicants states that if that be the reason, the applicants will have the same grievance based on the latest 1989 seniority list of Assistant Meteorologists. The two applicants are senior to G.S. Prakash who figures at Serial No. 215. Yet this junior has been promoted as a Meteorologist on 28.10.1982. He, therefore, requests this anomaly may be considered before this O.A. is disposed of.

9. We heard learned counsel for the respondents whether, if this be true, it would not be fair and proper to give the applicants an opportunity to represent in the matter to the competent authority and seek proper relief. The learned counsel for the respondents did not have any objection.

10. In the circumstance while we find no merit in the O.A. and we dismiss it, we are of the view that the two applicants before us should be given an opportunity to make a representation to the competent authority in respect of the promotion granted to Shri G.S. Prakash at Serial No. 215 of the seniority list of 1989, though he is junior to both the applicants. Accordingly, we permit the applicants to make such an application within two months from the date of receipt of this order and, in case such a representation is received, the respondents are directed to dispose them of in

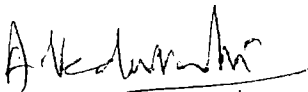
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accordance with law by a speaking order, within a period of three months thereafter.

10. O.A. is disposed of accordingly.


(DR. A. VEDAVALLI)
MEMBER(J)


(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'.