

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. O.A. 55/ 1986.
T.A. No.

DATE OF DECISION 23.7.1987.

Shri J. S. Sharma & Others Petitioner/Applicants.

Shri S. C. Gupta, Senior Advocate Advocate for the Petitioner(s)
with Shri Arvind Gupta
Versus

Union of India & Others Respondents

Shri P. P. Rao, Senior Advocate Advocate for the Respondent(s)
with Shri S. K. Mehta

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member (A).

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 ? No
4. Whether to be circulated to other Benches? No

K. Madhava Reddy
(KAUSHAL KUMAR)
MEMBER (A).
23.7.87.

K. Madhava Reddy
(K. MADHAVA REDDY)
CHAIRMAN.
23.7.87.

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PRINCIPAL BENCH, DELHI.

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Others Applicants.

V/s.

Union of India &
Others Respondents.

CORAM: Hon'ble Mr. Justice K. Madhava Reddy, Chairman.
Hon'ble Mr. Kaushal Kumar, Member (A).

For the applicants Shri S.C. Gupta, Senior
Advocate with Shri Arvind
Gupta.

For the respondents Shri P.P. Rao, Senior
Advocate with Shri S.K.
Mehta.

(Judgment of the Bench delivered by
Hon'ble Mr. Kaushal Kumar, Member)

JUDGMENT

The applicants herein are direct recruits to Grade-II of the Delhi Administration Subordinate Ministerial Service, on the basis of a competitive examination. They were promoted to Grade-I (Ministerial) of the Delhi Administration Subordinate Service on an ad-hoc basis vide Order dated 30th September, 1981 (Annexure 'A' to the application) and Order dated 13th October, 1983 (Annexure 'B' to the application). Their promotions were subject to the orders of the competent authority, if any, revising the inter-se seniority of the persons concerned in the feeder grade. It was also made clear that the officials were not entitled to any benefit for purpose of seniority and will have no claim for regular appointment to this or any other equivalent post on the basis of these orders. Their promotions were further subject to the final decision in certain Civil Writ Petitions. A tentative seniority list of Grade-I (Ministerial) of Delhi Administration Subordinate Service

M. Kumar

for the period from 10.2.67 to 3.12.80 was issued on 17th January, 1986. The applicants did not find place and consequently they were facing reversion to Grade-II (Ministerial). An interim direction was issued by this Tribunal on 5.2.1986 for maintaining status-quo as on that date.

2. The reliefs claimed in this application are as under: -

- (a) Quashing the tentative seniority list of Grade-I (Ministerial) of the Delhi Administration Subordinate Service for the period from February 10, 1967 to December 3, 1980, issued on January 17, 1986.
- (b) To direct the respondents to prepare a fresh tentative seniority list of Grade-I (Ministerial) in accordance with law.

3. The seniority list on whose basis the applicants were promoted on an ad-hoc basis and whose promotions were also sustained by the Review D.P.C. held in 1983 was obviously the seniority list issued on 8th May, 1978. The said seniority list no longer survives, as decided by us in our judgment in O.A. 561/1986 (Shri O.B.L. Bhatnagar and others v. Delhi Administration and others) and O.A. 67/1986 (Shri V.K. Seth and others v. Delhi Administration and others). In view of the discussion in O.A. 561/1986 and O.A. 67/1986, the same directions as in those cases and the following additional direction shall issue in this case: -

The applicants shall not be reverted to Grade-II and be adjusted either against the existing or future vacancies and, if necessary, supernumerary posts shall be created to accommodate them.

4. There shall be no order as to costs.

KAUSHAL KUMAR
(KAUSHAL KUMAR)
MEMBER (A)
23.7.1987.

K. MADHAVA REDDY
(K. MADHAVA REDDY)
CHAIRMAN
23.7.1987.