

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. O.A. 275/ 1987
T.A. No.

DATE OF DECISION 23.7.1987.

Shri S.P. Tyagi and Others Petitioner / Applicants.

Shri E.X. Joseph Advocate for the Petitioner(s) /
Applicants.

Versus

The Union of India and Others Respondents


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

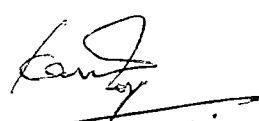
CORAM :

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


(KAUSHAL KUMAR)
MEMBER (A)
23.7.1987.


(K. MADHAVA REDDY)
CHAIRMAN.
23.7.1987.

49

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 275/1987. DATE OF DECISION: 23.7.1987.

Shri S.P. Tyagi and
Others Applicants.

V/s.

The Union of India and
Others Respondents.

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

For the applicants Shri E.X. Joseph,
Advocate.

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

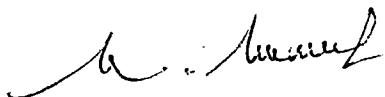
(Judgment of the Bench delivered by
Hon'ble Mr. Kaushal Kumar, Member)

JUDGMENT

The applicants herein are direct recruits to Grade-II (Executive) of the Delhi Administration Subordinate Service, appointed on the basis of selections made by the Staff Selection Commission during the period 1978 to 1984. They were appointed on various dates. They were placed on probation and later quasi-permanent status was also conferred on them. In this application, the integrated seniority list as on 4.12.1980 of officers appointed under rules 5, 6 and 19 prior to 4.12.1980 to various posts in Grade-II of the Delhi Administration Subordinate Service has been challenged. The main ground of the challenge is that since the applicants were appointed to the Executive cadre of the Service, their seniority should be maintained in that cadre as distinct and separate from the officers of the Grade-II (Ministerial posts).

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

(a) Striking down, quashing and setting aside of the integrated seniority list issued by the



Delhi Administration vide letter No.FO(3)/87-JSC dated 9.1.1987;

- (b) Issue of a declaration that the applicants and similarly placed officers of Grade II (Executive) will continue to belong to the cadre of Grade II (Executive) and that their seniority will be maintained as distinct and different from the officers of the Grade II (Ministerial) posts;
- (c) Issue of direction to the respondents to continue to grant inter-se seniority among the officers of Grade II (Executive) as determined in the seniority list issued by the Delhi Administration under letter No.F.4(1)/85-JSC dated 2.1.1987 for the period from 10-2-1967 to 3-12-1980;
- (d) Issue of a direction to the Respondents to determine the inter-se seniority of the officers appointed in Grade II (Executive) after 3-12-1980 on the basis of their dates of appointment as Grade II (Executive);
- (e) Grant of direction that the applicants will be posted to posts in the Grade II (Executive) Cadre and not to any Grade II (Ministerial) posts;
- (f) Grant of a direction to the Respondents that the applicants and other officers of Grade II (Executive) will continue to be granted promotions and other service benefits on the basis of their being Grade II (Executive) officers and on the basis of the seniority list issued by the Delhi Administration under letter No.F.4(1)/85-JSC dated 2.1.1987 for the period from 10-2-1967 to 3-12-1980 and on the basis of the seniority list to be issued in respect of officers appointed to Grade II (Executive) during the period from 4.12.1980 onwards.
- (g) Strike down as ultra vires, unfair and violative of Articles 14 and 16 of the Constitution of India the amended Rule 26(3) notified by Notification No.F.2(2)/91-JSC/S.II dated 12th July, 1985;
- (h) Grant any other relief which this Tribunal deems appropriate and necessary in the interests of justice; and
- (i) Grant cost of this petition to the applicants.

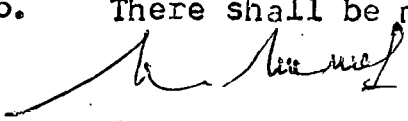


3. We are afraid the question of merger of the Ministerial and the Executive cadres has been finally settled by the judgment of the Delhi High Court dated May 13, 1982 in the case of G.R. Gupta and others v. Union of India and others (Civil Writ petition No.1345 of 1980). Special Leave Petition filed against the said judgment was also dismissed by the Supreme Court and the said judgment has attained finality.

4. The main challenge to the integrated seniority list issued on 9.1.1987 is on the ground of merger of the Executive and Ministerial cadres. The applicants are apparently satisfied with the integrated Executive seniority list for the period from 10.2.1967 to 3.12.1980 as issued on 2.1.1987.

5. In view of 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), wherein the seniority list of Grade II (Ministerial) issued on 6.1.1987 has already been quashed, the integrated seniority list of Grade-II after amalgamation of the Executive and Ministerial cadres issued on 9.1.1987 cannot survive and is accordingly hereby quashed. The same directions as in O.A. 561/1986 and O.A. 67/1986 shall issue in this case also.

6. There shall be no order as to costs.


(KAUSHAL KUMAR)
MEMBER (A)
23.7.1987.


(K. MADHAVA REDDY)
CHAIRMAN.
23.7.1987.


CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

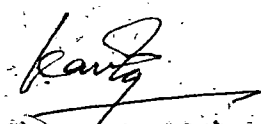
REGN. NO. OA 584/86/ OA 589/86, OA 55/86 and OA 275/86.

29.10.1987.

In view of orders made in MP No.1122/87 in
OA 561/86, notice suo moto to issue to counsel for the
applicants and other respondents returnable on
19.11.1987. On behalf of respondents 1,3 and 4 Shri
P.P.Rao, Sr.Advocate with S/Shri S.M.Garg and
R.Venkatramani, takes notice.

Call on 19.11.1987.


(Kaushal Kumar)
Member
29.10.1987.


(K.Madhav Reddy)
Chairman
29.10.1987.

8
OA Nos.55/86, 584/86, 589/86 & OA 275/87

19.11.87

Fresh notices to the counsel for the applicants, if not served as directed on 29.10.87.

Call on 11.12.1987 along with ~~95~~ 561/86 and OA 67/86.

(Kaushal Kumar)
Member

(K. Madhava Reddy)
Chairman

11-12-87

Call on 21-12-87

B.O.

[Signature]
(Govind Ballabh)
Court Officer

11-12-87