

(81)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

Case No.

198

Tax No.

OA 1121/87- K.N.Mishra & others Vs. Union of India & others.

OA 1359/87-Chet Ram Malwalia & others Vs. Union of India & others.

OA 1450 of 1987-Krishan Goel Vs. Union of India & another.

OA 1368/87- Hari Prem Malik Vs. Union of India & others

DATE OF DECISION 14.9.1988

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As above

Petitioner

Shri Rakesh Tikku,

Advocate for the Petitioner(s)

Versus

As above

Respondent

Shri P.H.Ramchandani,Sr.

Advocate for the Respondent(s)

Counsel and Shri G.D.Gupta,

CORAM :

The Hon'ble Mr. Kaushal Kumar, Member

The Hon'ble Mr. Ch.Ramakrishna Rao, 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? *No*
4. Whether to be circulated to all the Benches? *Yes*

Ch. Ramakrishna Rao
(Ch.Ramakrishna Rao)
Member

Ch. Kaushal Kumar
(Kaushal Kumar),
Member

14.9.1988

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

Dated: 14.9.1988

(1) Regn.No.OA 1121 of 1987

K.N.Mishra & others Applicants

Vs.

Union of India & others Respondents

(2) Regn.No.OA 1359 of 1987

Chet Ram Malwalia & others Applicants

Vs.

Union of India & others Respondents

(3) Regn.No.OA 1450 of 1987

Krishan Goel Applicant

Vs.

Union of India & another Respondents

(4) Regn.No.OA 1368 of 1987

Darl Hari Prem Malik Applicant

Vs.

Union of India & others.... Respondents.

COFAM: Hon'ble Mr.Kaushal Kumar, Member

Hon'ble Mr.Ramakrishna Rao, Member

For the Applicants Shri Rakesh Tikku, Counsel.

For the Respondents Shri P.H.Ramchandani, Sr. Counsel and Shri G.D.Gupta, Counsel.

ORDER

In the light of the judgement dated 10.12.1987 delivered by Shri G.Sreedharan Nair, Judicial Member, the judgement dated 10.12.1987 delivered by one of us(Shri Kaushal Kumar) and the judgement dated 30.8.1988 delivered by Mr. Justice J.D. Jain, Vice Chairman, who has concurred with the latter judgement of one of us(Shri Kaushal Kumar)(copies of all the three judgements shall form part of this order), the following directions as per the majority judgement

Shri Kaushal Kumar

shall issue.

The impugned seniority list issued in May, 1987 is hereby quashed. Respondent Nos. 1 & 2 are directed to redraw the seniority list within a period of three months from the date of receipt of this order in compliance with the directions of the Supreme Court given on 17th February, 1987 so as to maintain the inter se seniority of the direct recruits in tact as required under Rule 16(6) of the ARHQ Civil Service Rules, 1968 while integrating them with the promotees on the basis of the earliest date of joining by any direct recruit of a particular batch and not with reference to the date of joining of the senior-most direct recruit of the said batch as has been done by the Respondents in the impugned seniority list.

2. The above applications are partly allowed as indicated above.

3. Till ^{the} new seniority list is drawn up as directed above, future appointments by way of direct recruitment to the post of ACSO shall remain suspended.

Ch. Ramakrishna Rao

(Ch. Ramakrishna Rao)

Member

14.9.1988

K. Kaushal Kumar

(K. Kaushal Kumar)

Member

14/9/88