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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

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Regn. Nos. OA-1051/87
OA-1173/87

Date: 26.11.1987.

1. Shri A.K. Roy & Ors.
(OA-1051/87)
2. Shri V.K. Arora.
(OA-1173/87)

... Applicants.

Vs.

Union of India

... Respondents.

For Applicants.

... Shri S. Vidyalkar,
Advocate.

For Respondents.

... Shri M.L. Verma,
Advocate and
Shri S.D. Kumar, Under
Secretary, M/O I. & B.

JUDGEMENT

(Delivered by Shri S.P. Mukerji)

The applicants in both the aforesaid two cases are similarly circumstanced as the applicants of the Central Information Services (CIS) Officers in three other cases namely, T-1250/85 (Shri S.C. Kakatwana and Others Vs. Union of India) decided by the Tribunal on 6.3.87, T-1183/85 (Shri K.L. Wadhwa Vs. Union of India) decided on 6.3.87 and OA-1204/87 (S.K. Nayar & others Vs. Union of India) decided on 20th of November, 1987. In the first two cases, the Tribunal decided that the ad-hoc service of the applicants prior to their regularisation should be counted for seniority in the respective grades of the CIS. Shri S.K. Nayar, the applicant in the third decided case moved the Tribunal praying that since he is similarly circumstanced as the petitioners in the first two cases, he should also be given the benefit of counting his ad-hoc service for seniority. In the course of the arguments in that case it was revealed that the respondent Ministry of Information and Broadcasting in implementation of our orders in the first two cases was revising the seniority of only those who were

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petitioners in these cases and not in respect of others even though they are similarly situated. In order to avoid proliferation of such applications and undue litigation, we decided in the third case that not only Shri Nayar but all those in the various grades of the CIS who are similarly circumstanced as the petitioners in the first two cases should be given the benefit of counting their adhoc service prior to their regularisation for the purpose of seniority in the respective grades of the CIS. The two instant cases of Shri A.K.Rey and others (OA-1051/87) and Shri V.K.Arora and Others (OA-1173/87) before us now are identical with that of Shri S.K.Nayar. They like Shri S.K.Nayar are similarly circumstanced as the petitioners in the first two cases. We, therefore, allow these applications so that in pursuance of our judgement in the case of Shri S.K.Nayar decided on 20.11.1987, the seniority of the applicants in the instant cases before us and others similarly circumstanced should be reckoned on the basis of their ad-hoc officiation followed by regularisation in respective grades of the CIS.


2. The learned Counsel for the respondents and Shri S.D. Kumar, Under Secretary of the Ministry clarified before us that they had gone up in Special Leave Petition before the Supreme Court against our judgement in the first case and had prayed for stay of our orders. The Supreme Court granted leave to appeal but did not allow any stay of our judgement by passing the following order in SLP No.6731/86.

" Special leave granted. No stay.
The Petitioner will be at liberty to approach the Tribunal for extension of time for revision of the seniority list."

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The above order of the Hon'ble Supreme Court makes it clear that our judgement is not to be stayed but has to be implemented. It also makes it clear that the seniority lists have to be revised and if necessary the Government should approach the Tribunal for extension of time. In the circumstances, the learned Counsel for the Union of India on a CCP filed by the petitioners in the decided cases sought extension of time for revising the seniority list as per orders in the first two aforesaid decided cases and this was granted to them till 31st December, 1987. Shri Kumar has now fairly brought out before us that in view of our judgement in the third case of Shri S.K. Nayar they would seek further extension of time as the seniority list of the various grades of the CIS have to be revised for all concerned numbering about 400 officers. We see considerable force in this averment and grant extension of time for the revision of the seniority lists in the various grades of the CIS in accordance with our order in the case of Shri S.K. Nayar and others and in these two cases till 30th of April, 1988. It is made clear that no further extension of time will be granted and Shri Kumar undertakes to ensure that the seniority lists of all concerned in the various grades of the CIS are revised by that date. It is also made clear that any promotion made to the various grades of the CIS in the meantime will be subject to the revised seniority lists and we direct that the respondents should inform such promotees accordingly. There will be no order as to costs. A copy of this order may be placed in the case file OA-1173/87 also.


(Ch. Ramakrishna Rao)
Judicial Member


(S.P. Mukerji)
Administrative Member