

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

R.A.No. 224/91 In.

O.A. No. 826/88

T.A. No.

199

DATE OF DECISION 2.1.1992.

Shri P.K. Das

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Another

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. Ram Pal Singh, Vice-Chairman (Judl.)

The Hon'ble Mr. P.C. Jain, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement by Hon'ble Mr. P.K. Kartha,
Vice-Chairman)

This R.A. has been filed by the original applicant in OA-826/88 which was disposed of by judgement dated 21.8.1991. The petitioner had worked in the Dandakarnya Project in various capacities from March, 1963 to March, 1986, when he was declared surplus and was placed in the Central (Surplus Staff) Cell for redeployment. At that time, he was holding the post of Stenographer, Grade II in the pay-scale of Rs.425-700 (Rs.1400-2300 in the revised scale). On being redeployed, he was relieved from Dandakarnya Project on 12.3.1986 and he joined as

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Stenographer, Grade II on 17.3.1986 in the Monitoring Organisation, Ministry of Communications, in a substantive capacity against a supernumerary post of Stenographer, Grade II to enable him to retain permanent status on the post till his retirement or till he was confirmed against a permanent post in the Monitoring Organisation, whichever was earlier. The post of Stenographer, Grade II in the Monitoring Organisation constitutes a feeder cadre for promotion to the post of Administrative Officer in the scale of pay of Rs.2000-3200. According to the relevant recruitment rules, a person with 7 years' regular service in the grade of Stenographer, Grade II, or Accountant, is eligible for promotion to the post of Administrative Officer. The applicant was, however, not considered eligible for such promotion on the ground that he was not entitled to get the benefit of his past service as Stenographer, Grade II from 22.11.1976 to 16.3.1986. The respondents promoted Smt. Vimla Bhatia, Stenographer Gr.II, Monitoring Organisation, as Administrative Officer with effect from 6.2.1988. The petitioner had contended that while Smt. Bhatia was appointed as Stenographer Grade II on 18.1.1981, he was appointed to the same post w.e.f. 22.11.1976 and as such, she was junior to him in the cadre of Stenographer, Grade II. He had prayed for a declaration that he was eligible for promotion to the post of Administrative Officer. He had also claimed seniority as Steno., Gr.II

u.e.f. 22.11.1976 for all purposes.

2. The matter had been considered by a Division Bench which had referred the following questions for consideration by a Larger Bench:-

"i) Whether in accordance with Rule 11 of the Revised Scheme for Redeployment of Surplus Staff, the seniority of the staff who are rendered surplus and are redeployed is to be reckoned in the new organisation/new post from the date of his original entry into service;

ii) if the answer to the above is in the affirmative, whether such a decision would affect the conditions of service and the legal rights of the existing employees?"

3. After going through the records of the case carefully and hearing the learned counsel for both the parties, the Full Bench answered the above questions as follows:-

"1) Seniority of the staff who are rendered surplus and are re-deployed is to be reckoned in the new organisation/new post from the date of his joining the new organisation/new post and not from the date of his original entry into Government service. Para.11 (mentioned as Rule 11) of the Revised Scheme for Redeployment

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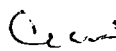
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of Surplus Staff which embodies this principle, does not suffer from any legal or constitutional infirmity.


- 2) Conditions of service, the legal rights and the legitimate expectations of the existing employees will be adversely affected if the past service rendered by a redeployed employee is reckoned as regular service in the new Department for the purpose of his promotion in that Department."

4. On going through the present petition, we see no error apparent on the face of the judgement dated 21.8.91. The petitioner has also not brought out any new facts warranting a review of the judgement. The petitioner appears to be aggrieved by the decision of the Full Bench, in which case, the proper course for him would be to prefer an appeal to the Supreme Court and not to reagitate the matter by filing a review petition. RA-224/91 is devoid of merit and is, accordingly, dismissed.

5. Let a copy of this order be sent to both the parties separately.


(P.C. Jain)
A.M.


(Ram Pal Singh)
V.C.(J)


(P.K. Kartha)
V.C.(J)