

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

RA 252/94 and MA 1974/94 in  
D.A.No.201/89

New Delhi. This the 3 Day of August 1994

Hon'ble Shri C J Roy, Member(J)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. Shri Ram Nivas Vats
2. Shri C.B. Thapliyal
3. Shri Ashutosh Aggarwal
4. Shri Pratap Singh
5. Shri K. J. Singh
6. Shri C.O. Thomas
7. Shri K.K. Sharma
8. Shri S.K. Sharma
9. Shri H.C. Guglani
10. Shri Vishwajit
11. Shri P.S. Gusain

All Section Officers  
C/O P.B. Section  
Ministry of External Affairs,  
New Delhi

Vs

1. M S Rao & Others  
Section Officers C/O PB Section  
Ministry of External Affairs  
New Delhi.
2. Union of India Through Foreign Secretary  
M.E.A. New Delhi.
3. Ministry of Finance  
Dept. of Economic Affairs  
Ministry of Finance, New Delhi

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O R D E R

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. MA 1974/94 in this Review Application for joining together is allowed.
2. This Review Application has been filed by 11 section officers in P B Section of Ministry of External Affairs and as a third party RA.

The prayer in this RA is as under:

"In view of the submissions made above the applicants pray that the judgement may kindly be reviewed and Respondent No.I specifically directed that regular promotions to SOs grade may be only on the basis of 1987 seniority list

of Assistants. Anomaly on account of wrongful implementation of Tandon II judgement should be removed ensuring that benefit of seniority as a result of supernumerary service prior to the date of regular promotion does not accrue to the applicants in M S Rao's case and other similarly placed persons. A specific direction to Union of India would safeguard the applicants of this Review petition from possible damage on accounts of wrongful implementation of the judgement in the OA No.201/89 and stop all such future cases. This would serve ends of justice."

The above prayer has to be read in the context of the operative portion in the order passed by this Bench on 3.6.94 in this OA. The operative portion reads as under:

"In view of the above it would be fit and proper to direct the respondents to recheck the dates of regular promotion as Section Officers of the applicants vis a vis the other promotees Assistants and it has to be ensured that May 1987 seniority list of Assistants is correctly followed. It is needless to add that while doing this the guidelines given in the second case of Tandon vide order dated 12.2.1988 have to be scrupulously followed. Respondents are allowed a period of 4 months from the date of receipt of this order for implementing the above direction."

3. Thus the first portion of the prayer in this RA namely that regular promotions to Section officers grade may be made only on the basis of 1987 list of Assistants is already incorporated in the order passed.

The second portion of the prayer in the RA is based on the assumption that there would be wrongful implementation of Tandon II judgement and to ensure against such wrongful implementation certain guidelines have to be given. We feel that such a prayer is not relevant to the main OA. The operative portion of the order referred above mentions that the guidelines given in the case of Tandon II vide order dated 12.2.88 have to be scrupulously followed. We cannot assume wrongful implementation and issue further guidelines as prayed for.

4. We had already noted that the ~~positions~~ <sup>posts</sup> of Section Officers are filled by different modes and one such mode is filling up by promotions from Assistants. We had also noted that among the three modes of filling up of posts of Section Officers, issues regarding seniority of direct recruits and those promoted from Ltd Departmental Examinations is not under discussion in this OA. The limited issue under consideration in that OA was about the dates of promotion as Section Officers from amongst the Assistants against the promotion quota to be filled on seniority basis. The applicants in that OA are direct recruit Assistants and their grievances was with regards to those who had been promoted as Assistants from lower levels. We had also noted that amongst the assistants the birth mark of some having joined as direct assistants and others having been promoted as assistants is not relevant once a composite assistants lists is prepared and is taken into consideration for further promotion as Section Officers.

5. Under the circumstances, the RA is dismissed as devoid of merits. No costs.

P. T. Thiruvengadam  
(P.T. THIRUVENGADAM)  
Member (A)

LCP

3/8/84  
(C.J. ROY)  
Member (J)