

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No. 409/1991

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New Delhi, dated the 20th Feb., 1995

CORAM

Hon'ble Shri S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri T.R. Nehra

Sr. Scientific Officer Gr. I,

CFSL, C.B.I. Block No. 4, CGO Complex,

New Delhi

r/o Flat No. 3, Type-IV, Palika Vihar,

Willington Crescent, New Delhi-3

Shri S.L. Mukhi

Sr. Scientific Officer Grade-I

r/o J/7/14-A Rajouri Garden Extension,

New Delhi

Shri B. Moitra,

Sr. Scientific Officer, Grade-I, CBI

Block No. 4, Lodi Road, CGO Complex,

New Delhi

Shri K.K. Arora,

Sr. Scientific Officer, Grade-I

CGO Complex, CFSL, Lodi Road New Delhi

Shri S.C. Mittal,

Sr. Scientific Officer, CFSL,

CGO Complex, Lodi Road, New Delhi-3

Shri Rup Singh

Sr. Scientific Officer,

CFSL, CGO Complex, Lodi Road,

New Delhi-3

... Applicants

(By Advocate Shri S.S. Tiwari)

V/s

1. Union of India through Secy. Ministry of Home Affairs, North Block, Central Sectt., New Delhi.
2. The Director, CBI, Block No. 3, Kendriya Karyalaya Parisar, Lodhi Road, New Delhi
3. The Director, Central Forensic Science Laboratory, Block No. 4, Kendriya Karyalaya Parisar, Lodi Road, New Delhi.
4. The Secretary, U.P.S.C. Dholour House, Shajahan Road, New Delhi.

... Respondents

(None for the respondents)

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J U D G M E N T (O R A L)

(Delivered by Hon'ble Shri S.R. Adiga, Member (A))

In this application, Shri T.9. Nehra and five others, all working as Senior Scientific Officer, Grade-I, in the Central Bureau of Investigation, New Delhi have prayed for forwarding their names to the Union Public Service Commission(UPSC) for considering their promotion to the post of P.S.Os.

2. It is the case, that they were promoted as Senior Scientific Officer, Grade-I vide order dated 9.8.85(Annexure-1) and in terms of the Recruitment Rules, they are eligible for promotion as P.S.O.(Principal Scientific Officer).

3. Respondents in their reply(paragraph 4.15) stated that after examining their case with reference to the Recruitment Rules, which require 5 years minimum regular service in the grade of Sr.Scientific Grade-I for promotion as P.S.O, it was found that they did not fulfilled the aforesaid requirements, but it is further stated that the matter was being further examined in consultation with MHA & DP&T regarding their eligibility as well as their seniority. It is stated that pending this clarification and circulation of the seniority list etc. the case of the applicant could not be considered to the post of P.S.Os. Respondents filed ^{this} reply on 29.5.1991.

4. Meanwhile, it appears that in pursuance of MP 1242/91, in which a prayer was made to consider the petitioners for promotion in the ensuing interview to be conducted by UPSC on 26-4-1991 for the post of PSOs, the

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Tribunal by order dated 24.4.1991 had directed the respondents to consider the case of the applicants for promotion to the post of PSO by the next DPC expeditiously in accordance with the Rules.

5. This OA has come up for hearing today, Shri S.S. Tiwari, learned counsel for the applicant appeared. None for the respondents, and in the circumstances, we do not know what action, if any, has been taken by the respondents in pursuance of the direction dated 24.4.1991 of the Tribunal in MP 1242/91 and whether consultation with MHA and DP& T has since been completed and if so with what result.

6. We, therefore, dispose of this OA with a direction to the respondents to consider the case of the applicants for promotion to the post of PSO's, strictly in accordance with the ~~existing~~ ^{relevant} rules/instructions on the subject as already directed vide order dated 24.4.1991 within a period of four months from the date of receipt of a copy of this judgment, in the event, that the same has not yet been done. If the case of the applicant has already been considered, in pursuance of the directions of the Tribunal dated 24.4.1991, intimation of the same should be given to the applicants alongwith a copy of the upto date seniority list, if prepared by now. Thereafter, if any grievance still survives, it will be open to the applicants after exhausting the available departmental remedies to agitate the matter through appropriate fresh proceedings in accordance with law, if so advised.

7. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member(3)

S. R. Adiga
(S. R. Adiga)
Member(A)