

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1453/2004

New Delhi this the 8<sup>th</sup> day of September, 2004

**Hon'ble Mr Justice V.S. Aggarwal, Chairman**  
**Hon'ble Shri S. A. Singh, Member (A)**

Dr. P. N. Shukla,  
working as Scientific Officer in the  
Commission for Scientific and Technical  
Terminology, West Block No. VII,  
R.K.Puram, New Delhi-110066

Applicant

(By Advocate Shri S.C. Luthra )

VERSUS

1. Union of India through Secretary,  
Department of Secondary Education and  
Higher Education, Ministry of Human  
Resource Development, Shastri Bhawan,  
New Delhi.
2. The Director,  
Central Hindi Directorate,  
West Block No. VII, R.K.Puram,  
New Delhi.
3. Chairman,  
Commission for Scientific and Technical  
Terminology, West Block No. VII, R.K.Puram,  
New Delhi.
4. Smt. Shashi Gupta working as AD (Subject)  
in the Commission for Scientific and Technical  
Terminology, West Block No. 7, R.K.Puram,  
New Delhi.
5. Shri Umakant Khubalkar,  
working as R.O. in the office of respondent  
No. 2 and to be served through her.

Respondents

(By Advocate Shri M.K. Bhardwaj proxy counsel for  
Sh. A.K. Bhardwaj counsel for respondents 1-3  
None for respondent No. 4)

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## O R D E R

**Hon'ble Mr. S.A. Singh, Member (A)**

The present OA is an outcome of the decision of the respondents to bifurcate on 23.9.1995, the combined cadre of Research Assistant (RA) and Assistant Education Officer (AEO) and amended the Recruitment Rules accordingly.

2. There was a combined cadre for promotion to AEO of CHD and Commission for Scientific and Technical Terminology (CSTT).

3. RA and AEOs appointed to CHD had their background in language stream whereas the RAs and AEOs of CSTT were from subject backgrounds like engineering, medicine etc. However, no distinction was made on the basis of origin in either streams for promotion against vacancies arising in either stream. The promotions were strictly on the basis of seniority.

4. After bifurcation, in September 1995, the RAs of CHD were designated as RA (Hindi) and ( regional language ) and the RAs of CSTT designated as RA (subject). Similarly, the cadre of AEOs was also bifurcated into two streams of language and subject for CHD and CSTT respectively and the promotion were accordingly separated. Fresh seniority lists were issued after bifurcation of the combined cadre into two streams.

5. The applicant is aggrieved by the impugned order dated 27.4.2004 whereby respondents No.4 and 5 have been promoted to officiate as Assistant Directors (subject). Applicant claims that both are neither on deputation nor on transfer nor do they hold any lien whatsoever in CSTT. Nothing prevented the respondents to treat them on deputation / transfer after the amendment of RRs which they did not do. He further submits that respondents 4 and 5, earlier belong to subject stream, but after bifurcation they continued to remain in language stream and it was not possible to

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reverse the clock at the late stage and hence this is a malafide and colorable exercise of power on part of the respondents.

6. The averments of the applicant have been contested. Respondents stated that both respondents 4 and 5 were recruited as RA (Subject) in CSTT. Respondent 4 was RA (Home Science) and Respondent 5 was RA (Commerce). Before bifurcation they had been promoted as per the then existing rules, which made no distinction between the two streams of language and subject. However, on bifurcation, 21 posts of AEO went to the share of language cadre of CHD and 8 posts of AEO (subject) came to the share of CSTT. Against 8 posts in subject stream 11 AEOs had been promoted i.e. 3 in excess of the number of posts after bifurcation in this stream and there were 21 posts in language cadre whereas only 18 persons were promoted as AEOs in this stream i.e. shortage of 3 AEOs in the subject stream. In order to ensure that there was no reversion of the 3 AEOs of the subject stream on bifurcation of the cadre they were temporarily adjusted in the CHD with the condition that they would be shifted to CSTT after attaining eligibility for promotion to the grade of AD (subject).

7. It was always the intention of the respondents to transfer them back to their parent department as soon as they become eligible for promotion in their cadre. The respondents are only giving effect to this by the impugned order dated 27.5.2004.

8. This issue was also the subject matter of OA 1642/2003 wherein the only relief that had been sought by the applicants <sup>by OA 1642/03</sup> was for deletion of the names of private respondents i.e., respondent No. 4 and 5 in this OA, from the seniority list on the ground <sup>that</sup> they do not belong to the language stream and should have been shown in the subject stream. That OA was disposed of on the basis of the clarification given by the respondents that private respondents 4 and 5 would be transferred back to their parent cadre when they attain eligibility for the next promotion in that cadre.

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9. We have heard the learned counsel for the parties and perused the relevant documents on record. We find that the private respondents Nos .4 and 5 were initially recruited as RA (subject) and they had been promoted before bifurcation of the cadre on 23.9.1995. We also find that they were adjusted in the language stream after bifurcation to avoid reversion. The Tribunal vide its order dated 17.12.2003 in OA 1642/2003 give the following directions:

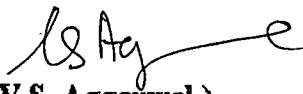
"In view of the clarification given by the respondents in their counter and categorically stated at the bar by their counsel that the private respondents will be transferred back to their parent cadre at the time they attain eligibility for the next promotion, we find that the relief sought for by the applicants in effect is being met by this assurance. We find that shifting of the private respondents from the seniority list has been resorted to by the respondents to avoid reversion of the excess employees after bifurcation in one cadre and shortage in the other and also to comply with the directions issued by this Tribunal earlier.

In view thereof, the OA is disposed of with the direction that respondents will, as admitted before us by their counsel, transfer the private respondents back to their cadre at the time they attain eligibility for next promotion in their parent cadre. No order as to costs"

10. The private respondents of that OA are identical to the private respondents of R-4 and R-5 in the present OA.

11. In view of the above, we find no merit in the OA and is accordingly dismissed. No costs.

  
( S.A. Singh )  
Member (A)

  
( V.S. Aggarwal )  
Chairman