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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.1545/92

New Delhi: this the 24th day of September, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. P. C. KANNAN, MEMBER (J)

1. Shri Mulayam Singh
S/o late Shri Maiku Lal
Aged 38 years
Research Investigator (Gr.-I)
O/o Directorate of Economics &
Statistics, M/o Agriculture.
R/o H. No. 65, Sector-V, M.B. Road,
New Delhi.
2. Shri V.P. Nigam
S/o late Shri J.C. Nigam,
Aged 51 years
Research Investigator (Gr.-I)
O/o Dte. of Economics & Statistics,
M/o Agriculture.
R/o A-2/118, Janak Puri,
New Delhi-110058.
3. Manohar Sahai Pandey
S/o late Shri B.S. Pandey,
Aged 53 years,
Investigator Grd. I,
O/o Regional Office Labour Bureau,
Ministry of Labour, Calcutta,
R/o A/43, Anand Puri, Barrackpore,
Distt. 24-Parganas (W.B.)
4. Shri K.G. Puri
S/o Late Shri B.R. Puri
Aged 52 years,
Investigator Gr.-I
O/o Director, Labour Bureau,
Chandigarh.
R/o 1258/42-B, Chandigarh.
5. Shri Charan Das,
S/o late Shri Jagar Ram
Aged 53 years,
Investigator Gr. I,
O/o Labour Bureau, Chandigarh
R/o House No. 449, Sector 20-A, Chandigarh.

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5. Jay Prakash Agrawal
S/o Shri Jagat Prakash
Aged 49 years,
Investigator Gr.I,
O/o Labour Bureau, Chandigarh,
R/o 1327, Sector 60, P.O. S.A.S. Nagar,
Chandigarh-160059.
7. Shri B.L. Bangar
S/o Late Shri D.R. Bangar
Aged 50 years
Economic Investigator Gr.I,
O/o Director Labour Bureau,
Chandigarh
R/o H. No.1775, Phase-V,
SAS Nagar (Mohali)
8. Shri M.S. Garg
S/o Shri Hardwari Lal
Aged 57 years
Research Investigator Gr.I,
Directorate of Economics &
Statistics, M/o Agriculture,
R/o E-70, Govt. Quarters, Dev Nagar,
New Delhi-110005.
9. Dr, Uday Shanker
S/o Late Shri C.B. Lal
Aged 38 years,
Senior Technical Assistant,
O/o Ministry of Rural Development,
R/o 68-B, DDA Flats, Jhilmil,
Delhi-110095.
10. Ramesh Chand
S/o Shri Shyam Lal
Aged 33 years,
Research Investigator,
O/o Deptt. of Agriculture &
Coop., M/o Agriculture.
R/o A 2576, Netaji Nagar,
New Delhi.
11. Shri Radhey Shyam
S/o Shri Munni Lal
Aged 39 years,
Economic Investigator
(presently working as Research Officer
(MRTP) deputation.
O/o Deptt. of Economic Affairs
R/o 72/2, Sector-1, PushpVihar,
New Delhi.

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12. Shri N.M. Kapur -
 S/o Late Shri D.R. Kapur
 Aged 48 years
 Investigator Grade-I,
 O/o Labour Bureau, Shimla,
 R/o H. No.20, Baluganj, Shimla.

13. Shri V.K. Lohumi -
 S/o Shri (Late) R.D. Lohumi
 Aged 50 years
 Investigator Grade-I,
 O/O Labour Bureau, Shimla,
 R/o Morning View, Lower Kaithu,
 Shimla.

14. Shri Hoshiar Singh
 S/o Late Shri Chhetan Singh
 Aged 56 years
 Senior Investigator (Economic)
 S/o Transport Research Division,
 M/o Surface Transport,
 R/o 409, Sector-IV, R.K. Puram,
 New Delhi.

15. Shri H.C. Chandawat
 S/o Shri Hariyati Singh
 Aged 42 years
 Senior Investigator (Economic),
 S/o Transport Research Division,
 Ministry of Surface Transport,
 R/o Pocket-I, Flat No.57-B,
 Dilshad Garden, Delhi-95.

16. Shri S.K. Sharma
 S/o Shri K.L. Sharma
 Aged 42 years,
 Sr. Investigator (Economic)
 O/o Ministry of Surface Transport,
 R/o 536, Bhai Parmanand Colony,
 K.W.C., Delhi-110009.

17. Shri Ram Babu
 S/o Shri Gajadhar Singh
 Aged 50 years,
 Economic Investigator grade-I,
 O/o P.E.O. Planning Commission,
 R/o Sector-II/1038,
 R.K. Puram, New Delhi.

18. Shri Ram Kishan
 S/o Shri Tulsi Ram
 Aged 55 years
 Economic Investigator Grade-I,
 O/o Planning Commission
 R/o H. No.44- Nawada Village,
 PO Uttam Nagar, New Delhi-59.

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19. Shri B.S. Kapil
S/o Shri Jaswant Singh,
Aged 55 years,
Economic Investigator Gr.-I,
O/o Planning Commission,
R/o Q. No. 155, Timarpur (Type 'C'),
Delhi
20. Shri C.M. Mathew
S/o Shri C.K. Mathew
Aged 50 years,
Economic Investigator- Grade-I,
O/o Department of Programme
Implementation,
R/o 99K, Sector-IV, D12, Area,
New Delhi-I.
21. R.N. Tewari
S/o Shri S.N. Tewari
Aged 49 years,
Economic Investigator Gr.-I,
O/o Labour Bureau, Chandigarh/Shimla
R/o J-402, Sarojini Nagar,
New Delhi.
22. Mrs. Debika Roy
Wife of Shri Mukul Roy,
Aged 51 years
S.R.A.
O/o Planning Commission,
New Delhi
R/o 275, Prasad Nagar,
New Delhi-5.
23. Mrs. Kusum Bhatia
Aged 51 years
Wife of Late Shri R.S. Bhatia,
S.R.A.
O/o Planning Commission,
New Delhi
R/o A-137, Yojana Vihar,
Delhi-92.
24. Shri Shivanand Ajur
S/o Late Shri Shiddappa R. Ajur,
Aged 41 years,
Small Industry Promotion Officer(EI)
O/o SISI Hubli, under DC(SSI),
New Delhi
R/o Hubli (Karnataka)

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25. Shri R.L. Chowdhury
S/o Shri R.C. Chowdhury
Aged 46 years,
S.I.PO (E 1/S)
O/o Director S.I.S.I. Guindy, Madras-32
R/o Palavantangal P.O. Madras-600114

26. Shri D. Koil Pillai
S/o Shri S. Durai Raj
Aged 42 years
Small Industries Service Institute,
O/o Small Industries Service Institute,
(Ministry of Industry)
R/o Madras (India)

27. Shri Ramesh Chandra Dey
S/o Late Shri Dharnidhar Dey
Aged 38 years,
Small Industry Promotion Officer (E.I.)
O/o Development Commissioner (SSI),
New Delhi
R/o S.I.S.I., College Square,
Cuttack-753002.

28. Shri Ravi Narayan Kar
S/o Shri Gouri Bandhu Kar
Aged 39 years,
Small Industry Promotion Officer
O/o Development Commissioner (SSI),
New Delhi,
R/o S.I.S.I., College Square,
Cuttack-753003

29. Shri Pradip Kumar Basu
S/o Late Shri Charu Ch. Basu,
Aged 48 years,
Small Industry Promotion Officer (E.I.)
O/o Development Commissioner (SSI),
New Delhi,
R/o S.I.S.I., College Square,
Cuttack-753003

30. Shri Bal Ram S/o
Shri Raghbir Singh
Aged 39 years
Investigator Gr.I,
O/o Labour Bureau, S.C.O.,
28-31, Sector-17-A, Chandigarh,
R/o 265/9, Chandigarh

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31. Shri G.R. Khanna
S/o Late Shri Ganga Ram
Aged 50 years
E.I. Gr.I,
O/o Regional Evaluation Officer PEO(Planning
Commission), 87, Halwasiya Market Hazrat Ganj,
Lucknow,
R/o 1/231, Vikas Nagar, Kursi Road,
Lucknow.

32. Shri A.C. Das
S/o Late Shri P.C. Das
Aged 47 years
Eco. Inv. Gr.I,
O/o PEO (Planning Commission)
1550/Sector-5, R.K. Puram,
New Delhi-110022.

33. Shri B.L. Sharma
S/o Shri Ram Pratap Sharma
Aged 54 years
Economic Investigator, Gr.I,
O/o Regional Evaluation Office, Jaipur,
Programme Evaluation Organisation
(Planning Commission), Govt. of India,
R/o Jaipur

34. Mohammed Ibrahim Farooqui
S/o Shri Shaikh Hasan
Aged 5½ years
Economic Investigator Gr.I,
O/o Programme Evaluation Organisation,
R/o 207, Basti Hazrat Nizamuddin,
New Delhi-110013.

35. Shri S.K. Rahamathulla
S/o Shri Santhebennur Khazi Abdul Khader
Aged 55 years
Economic Investigator, Grade-I,
O/o Regional Evaluation Office,
Planning, Commission, Hyderabad,
R/o Hyderabad

36. Smt. K. Namagiri
Wife of Shri N.K. Rajamani
Small Industry Promotion Officer
SISI Madras, Ministry of Industry,
R/o Guildy, Madras 32. . . . APPLICANTS
(By Advocate: Shri E.X. Joseph).
versus

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1. Union of India
through
Secretary to the Govt.
Ministry of Finance,
Dept. of Economic Affairs,
North Block,
Central Secretariat,
New Delhi.

2. The Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhavan,
New Delhi

..... Respondents.

(By Advocate: Shri K. R. Sachdeva)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicants seek a direction to respondents to promote them to IES Gr.IV w.e.f. 1.10.90 with all consequential benefits including seniority in IES Gr.IV above Shri S. Lakshmanan and Shri Mohan Singh together with arrears.

2. We have heard both sides.

3. Shortly stated the dispute in question is as to whether respondents in denying applicants' claims have correctly implemented the directions contained in the Hon'ble Supreme Court's judgment dated 11.9.90 in B.S. Kapila & Ors. Vs. UOI & Ors. (CA No. 4612-4614/90).

4. In this connection applicants' counsel Shri E. X. Joseph has invited our attention to the order No. 11024/13/90-ISS dated 1.5.91 issued by the Department of Statistics Planning Commission in regard to appointments to Gr.IV Indian Statistical Service purusant to the Hon'ble Supreme Court's directions in Kapila's case

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(supra). That order dated 1.5.91 has been followed by a subsequent order No. 11024/13/90-155 dated 1.4.92. Copies of these orders are taken on record. It is not denied that the Indian Statistical Service Rules, 1961 administered by the Department of Statistics as the Cadre Controlling Authority and the Indian Economics Service Rules, 1961 administered by the Department of Economic Affairs as the Cadre Controlling Authority are more or less identical as far as the issues involved in this case are concerned, and Shri Joseph has emphasised that applicants in the present case are only seeking the implementation of the Hon'ble Supreme Court's directions in Kapila's case (supra) in regard to promotions to Gr.IV of IES in the same manner as the Department of Statistics has implemented the aforesaid directions in regard to promotions to Grade IV of ISS.

6. In this connection another order relied upon by him is dated 18.2.93 pronounced by CAT PB in OA No. 2004/92 R.B.Gupta Vs. UOI & Ors. which also relates to promotion to Gr.IV of ISS in the background of the Hon'ble Supreme Court's directions in Kapila's case (supra).

7. Nothing has been shown to establish that the aforesaid orders dated 1.5.91 and 1.4.92 issued by the Department of Statistics have been withdrawn, superseded, or struck down or that the CAT PB order dated 18.2.93 in R.B.Gupta's case (supra) has been

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stayed, modified or set aside. It is clear that the IES Rules, 1961 and the ISS Rules, 1961 being more or less identical in regard to the issues involved in this case, two departments of Govt. (Dept. of Economic Affairs and Dept. of Statistics) cannot, without good reason, interpret the same directions viz. Hon'ble Supreme Court's directions in Kapila's case (supra), differently.

8. In the facts and circumstances, noticed above, this OA is disposed of with a direction to respondents to consider the claims of applicants for promotion to Grade IV of IES w.e.f. 1.10.90 and with grant of appropriate seniority in the background of the orders dated 1.5.91 and 1.4.92 passed by the Deptt. of Statistics in regard to similar claims for promotions to ISS w.e.f. 1.10.90 and pass a detailed, speaking and reasoned order thereon in accordance with rules and instructions as expeditiously as possible and preferably within 4 months from the date of receipt of a copy of this order. While doing so, respondents shall also not lose sight of the Tribunal's order in R.B. Gupta's case (supra). Consequent to the implementation of these directions such of those applicants who are promoted to Gr. IV of IES w.e.f. 1.10.90 with appropriate seniority, shall be entitled to consequential benefits flowing therefrom in accordance with rules and instructions.

9. This OA is disposed of in terms of para 8 above. No costs.

P. C. Kannan
(P. C. KANNAN)
MEMBER(J).

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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