

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1773 of 1992

New Delhi dated this the 23rd JULY 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

s/ Shri

1. Govind Ballabh Pant
 2. Devinder Singh Chopra
 3. Iyora Simon C
 4. Jagbir Singh Shishodia
 5. Jagdish Chand Aggarwal
 6. Jival Lal Goela
 7. Lanka Venkatakrishna Sama
 8. Om Prakash Singhal
 9. Suraj Babram Khanna ... Applicants
- (All are Civilian Staff Officers
in Armed Forces Hqrs. Civil Services)
(By Advocate: Shri G.K. Aggarwal)

Versus

1. Union of India through
Defence Secretary,
South Block,
New Delhi-14.
2. The Chief Administrative Officer &
Jt. Secretary (Admn.),
Ministry of Defence,
C-II Hutments,
New Delhi-11. ... Respondents

(By Advocate: Shri S.M. Arif)

ORDER

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

Applicants impugn respondents' orders dated
5.2.92 (Ann. A-1) dated 20.4.92 (Ann. A-2) and

dated 15.6.92 (Ann. A-3). They pray that they be exempted from the operation of the aforesaid impugned orders, and their seniority; existing and future promotions, and other service rights and privileges in various grades remain untouched, and they be not displaced from their positions existing prior to the issue of the impugned orders. (21)

2. We have heard applicants' counsel Shri G.K. Aggarwal and respondents' counsel Shri Arif.

3. Shri Aggarwal has contended that as applicants were confirmed in Upper Division Clerks Grade prior to 1.3.68 and were thus inducted into AFHQ Clerical Service as permanent UDCs on the appointed day i.e. 1.3.68, respondents could not legally disturb their position in the grades of Asst. ACSO, CSO etc. while seeking to implement the various judicial decisions referred to in Para 4.07 of the O.A. The grounds taken in support of this contention are spelt out in Para 5 of the O.A.

4. On the other hand Respondents while not denying that applicants were inducted into AFHQ Clerical Service ^{as confirmed UDCs} on 1.3.68, aver that the Courts through the aforementioned judicial pronouncements had struck down the principles followed while drawing up the seniority lists of LDCs for the period prior to 1.3.68 and the seniority lists had therefore to be redrawn in keeping with the principles laid down by the Court, as a result of which the dates of promotion of applicants and others to UDC and higher grades would have to be altered, disturbing their position in the grade of Assistant, ACSO, CSO etc.

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4. In this connection we note that three O.As namely O.A. No. 695/93 filed by Shri Chatter Singh & others; O.A. No. 962/93 filed by Shri O.P. Gupta and others and O.A. No. 1168/93 came up before the CAT, P.B. In these O.As applicants were aggrieved by their reversion from the grade of ACSO to that of Assistants with retrospective effect consequent to the action taken by respondents to implement the judicial decisions referred to in Para 4.07 of the O.A. The main grounds taken by applicants in these O.As was that respondents were required to implement those judicial decisions only in respect of those persons who were applicants in those cases and similarly situated (emphasis supplied) and as these applicants were not similarly situated as those persons, respondents had misdirected themselves in recasting the entire seniority list afresh and disturbing the position of those who already stood promoted in the grade of Assistant, ACSO etc.

5. The aforesaid three O.As were disposed of by detailed order dated 28.9.95. The aforementioned arguments of the applicants found favour with the Tribunal who in its aforesaid order dated 29.9.95 held that the very foundation of the impugned reversion orders had been shaken. Accordingly the same were quashed and the Tribunal held that applicants had been validly included in the panels for promotion as ACSOs in the first instance and that they had been correctly and validly promoted as ACSOs from the dates they were promoted. Respondents were directed to reinstate those applicants and give them uninterrupted continuity in service, as if they had not been reverted at all, with other consequential benefits.

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6. Against the aforesaid order dated 28.9.95 the Union of India and others filed Civil Appeal No. 3489-3491/96 and after hearing both parties on 15.4.96 the operative portion of the Tribunal's order dated 28.9.95 summarised in para 5 above were stayed by the Hon'ble Supreme Court.

7. Shri Aggarwal has contended that the Tribunal's aforesaid order dated 28.9.95 which has been stayed by the Hon'ble Supreme Court is not applicable to the facts and circumstances of the present case. We are unable to agree with this contention. In the three OAs disposed of by the aforesaid order dated 28.9.95 as well as in the present OA before us, the main issue is whether the seniority of only those persons who were parties in the cases mentioned in para 407 of the OA and other similarly situated persons was to be recast, and whether respondents had misdirected themselves in recasting the entire seniority list, and thereby disturbing the position of those in the grades of Assistant, ACSO, CSO etc. As pointed out above, the Tribunal in its order dated 28.9.95 had held that the Tribunal by recasting the entire seniority list and thereby altering the date of promotion of persons in UDC and higher grades had misdirected themselves, but that order has been stayed by the Hon'ble Supreme Court. The order dated 28.9.95 has therefore a different bearing on the present OA and in fact the order sheet shows that with the consent of both sides this OA had been adjourned sine die to await the judgment of the Hon'ble Supreme Court in CA No. 2489-3491/96.

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9. However, upon hearing both sides we do not consider it necessary to keep the present OA pending merely to await that judgment. Instead we dispose of this OA with a direction to respondents to examine the claims of applicants by means of detailed, speaking and reasoned orders under intimation to them after receipt of the Hon'ble Supreme Court's judgment in CA No.3489-91/96 and in the light of the contents of that judgment, and other related judicial pronouncements. No costs.

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

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

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