

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. No. ~~T.A.~~ No. 2368 of 1992 Decided on: 19.1.98
M.A. No. 3685 of 1994

S.S. Anand & Ors. Applicant(s)
(By Advocate: Shri G.D. Gupta)

VERSUS


L.G., Delhi & Ors.

Respondents

(By Advocate: Mrs. Avnish Ahlawat
CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO


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

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

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O.A. No. 2368 of 1992

M.A No. 3685 of 1994

New Delhi, dated the 19th JANUARY 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri S.S. Anand,
S/o Shri L.S. Anand,
R/o I-A/24, Lajpat Nagar,
New Delhi-110024.
2. Shri Ram Bhaj Madan,
S/o Shri Chaman lal,
R/o 925, Gulabi Bagh,
Delhi.
3. Shri D.C. Gupta
4. Shri K.L. Aggarwal
5. Shri Ram Rajesh Tiwari
6. Shri Ved Prakash Sharma
7. Shri B.K. Dhingra
8. Smt. Phool Chopra
9. Shri M.P. Garg
10. Shri Khushal Singh
11. Shri D.P. Maini
12. Shri Sheo Shankar
13. Shri R.K. Kapoor
14. Shri S.N. Mishra
15. Shri Sures Chand Sharma
16. Shri Mool Chand
17. Shri R.C. Gupta

(All the applicants are
working as Grade II, DASS,
NCT, Delhi)

... APPLICANTS

(By Advocate: Shri G.D. Gupta)

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VERSUS

1. Lt. Governor,
NCT of Delhi,
Raj Niwas,
Delhi-110054.

2. The Chief Secretary,
NCT of Delhi,
Sham Nath Marg,
Delhi-110054.

3. The Secretary (Services),
NCT of Delhi,
5-A, Sham Nath Marg,
Delhi-110054.

... RESPONDENTS

(By Advocate: Mrs. Avnish Ahlawat)

J U D G M E N T

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

In this O.A. applicants had prayed for the reliefs in Para 8 thereof.

2. However, in the background of Hon'ble Supreme Court's judgment dated 3.2.97 in W.P. No.525/90 Kailash Chand & Ors. Vs. L.G. of Delhi & Ors., applicants' counsel Shri G.D. Gupta stated during hearing that the relief now pressed was confined to what was stated in M.A. No. 3685/94 i.e.

"direct respondents to assign seniority to applicants 1,2 & 16 on the post of Grade II on the basis that they were appointed as Grade II (Ministerial) posts on the basis of their selection through DPC held prior to 4.12.80 and, therefore, would not be affected by amendment of the Rules."

3. In M.A. No. 3685/94, and during arguments, Shri Gupta had urged that the DPC had made recommendations for promotion in August, 1980 itself, but a perusal of the notings at Page 1/N of the relevant file No.F.3(28)/80-SII Vol.I makes it clear that

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the DPC held on 18.8.80 did not make any recommendations for promotion in the absence of complete C.R. folders and other relevant information. The DPC subsequently met on 27.11.80 and made recommendations for promotions on purely temporary and ad hoc basis. It was further made clear in the DPC minutes that the appointment of the promotees would be subject to certain court cases pending in the Delhi High Court, and the said appointments would not give rise to claim for their substantive/regular appointment to this or any other equivalent post.

4. The Executive and Ministerial Class III Services were merged by Notification dated 4.12.80 and the seniority in the integrated cadre was to be reckoned on the basis of their placement in the cadre. This act of merger as well as ⁰afresaid ¹Rules which provided for determination of seniority on merger of the two Branches, was the subject matter of protracted litigation, which was ultimately upheld by the Hon'ble Supreme Court's judgment in Kailash Chand's case (Supra).

5. It is not denied that seniority of applicants 1, 2 & 16 have been determined on the basis of the merger, and in the background

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of aforesaid Rule 26. As the recommendations of the DPC dated 27.11.80, made barely one week before the merger took effect, were specifically of ^aad hoc and temporary nature, and categorically stated that it would not give rise to claims for substantive/regular appointment, no enforceable legal right accrues to applicants, 1, 2 & 16 to claim the seniority prayed for in Para 2 above.

6. The O.A. as well as M.A. No. 3685/94 are dismissed. No costs.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

/GK/

S.R. Adige

(S.R. ADIGE)
Vice Chairman (A)