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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

NEW DELHI.

O.A.No. 233/92

New Delhi: this the 3rd day of JUNE, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

- (1) K L KAUL
SON OF SHRI PRAKASH RAM KAUL
AGED: 48 YEARS (DOB: 2/5/44)
RESIDENT OF:
QR. NO 666/SECTOR VII
PUSHP VIHAR
NEW DELHI 110017
- (2) AVTAR SINGH
SON OF SHRI KIRPA RAM
AGED 46 YEARS (DOB: 15/5/46)
RESIDENT OF:
103-D SECTOR IV
EKS MARG DIZ AREA
NEW DELHI 110001
- (3) B K SAPURI
SON OF SHRI R K SAPURI
AGED: 46 YEARS (DOB: 15/6/46)
RESIDENT OF:
46-B SECTOR IV
PUSHP VIHAR
NEW DELHI 110017
- (4) G C VIRMANI
SON OF SHRI LALCHAND VIRMANI
AGED: 47 YEARS (DOB: 1/4/45)
RESIDENT OF:
M-90/B MALVIYA NAGAR
NEW DELHI 110017
- (5) BINOY KUMAR JHA
SON OF SHRI T N JHA
AGED: 46 YEARS (DOB: 14/2/46)
RESIDENT OF:
QR. NO. 180/R ARAM BAGH
PANCHKUYAN ROAD
NEW DELHI 110001

- (6) KRIPAL SINGH
SON OF SHRI AYODHYA PRASAD
AGED: 44 YEARS (DOB: 13/2/48)
RESIDENT OF:
B-320 SECTOR/IV PUSHP VIHAR ND-17
- (7) J R SHARMA
SON OF SHRI MANGAT RAM SHARMA
AGED: 48 YEARS (DOB: 20/12/44)
RESIDENT OF:
L-94 SECTOR IV
DIZ AREA EKS MARG
NEW DELHI 110001
- (8) PARKASH CHAND
SON OF SHRI MIHUN RAM
AGED: 47 YEARS (DOB: 13/4/45)
RESIDENT OF:
A-322 MOTI BAGH I
NEW DELHI 110021
- (9) S C KESAR
SON OF SHRI BABURAM KESAR
AGED: 45 YEARS (DOB: 12/5/47)
RESIDENT OF:
WZ-25 SANT NAGAR EXTENSION
TILAK NAGAR NEW DELHI 110018
- (10) BARHAMPAL VERMA
SON OF SHRI LALCHAND
AGED: 46 YEARS (DOB: 1/2/46)
RESIDENT OF:
16/62 PUNJAB BAGH
NEW DELHI 110026
- (11) KANHYA LAL PEER
SON OF SHRI PRITHVI NATH PEER
AGED: 45 YEARS (DOB: 15/4/47)
RESIDENT OF:
H-291 NANAKPURA NEW DELHI 110021
- (12) M L SHARMA
SON OF SHRI ISHWAR DAS SHARMA
AGED: 47 YEARS (DOB: 11/3/45)
RESIDENT OF:
678 SECTOR XII R K PURAM
NEW DELHI 110023
- (13) B R GUPTA
SON OF SHRI MANSA RAM MAHAJAN
AGED: 44 YEARS (DOB: 1/8/48)
RESIDENT OF:
H-322 NANAKPURA NEW DELHI 110021

(14) MADAN MOHAN PAYAT
SON OF SHRI BIPIN BIHARI PAYAT
AGED: 46 YEARS (DOB: 24/1/46)
RESIDENT OF:
82/C ARAM BAGH
NEW DELHI 110055

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(By Advocate: Dr. D.C. Vohra)

...PETITIONERS/APPLICANTS

V.

(1) THE UNION OF INDIA
THROUGH
THE SECRETARY
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI 110011

(2) THE DIRECTOR
INTELLIGENCE BUREAU
MINISTRY OF HOME AFFAIRS
MAN SINGH ROAD
NEW DELHI 110001

(BY ADVOCATE: SHRI N.S.Mehta)

...RESPONDENTS

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ORDER

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

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Applicants impugn the UDCs seniority list dated 24.12.91 (Annexure-A6) and claim the benefit of their entire regular service as UDC such that no person promoted/recruited later than each of them is assigned a seniority higher than each of them. Consequential benefits are also sought.

2. Heard.

3. Applicants have not denied in rejoinder the specific averment made by respondents in their reply that applicants No.2 and 9 were promoted as UDCs on regular basis during 1984-85; applicants No.1, 4 to 8 and 10 to 14 during 1986; and applicant No.3 in 1988. There is also no denial in rejoinder to the specific averment, made by respondents in para 4.9 of the reply that as per I.B's Clerical Services (Re organisation) Scheme issued vide MHA's OM dated 11.2.90 read with OM dated 22.12.59 and DP & T's OM dated 7.2.86, UDCs such as applicants who were promoted in a particular year had to be rotated with UDCs who qualified in the UDC grade Ltd. Departmental Competitive Exam. held that year in the ratio of 3:1 and their interse seniority would be determined on that basis.

4. Where there is a rota quota rule, which applicants do not deny exists in the present case, the same has to be adhered to strictly and nothing has been shown to us to establish that respondents have acted in violation of the same to warrant our judicial interference

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5. Applicants' counsel has filed a list of rulings relating to determination of seniority where there are no rules to govern the same, or there is a breakdown of the rota quota rule, and/ or where there is power to relax the rules, or relating to special situations for example when adhoc service is followed by regularisation and the claim is pressed for counting of the adhoc service towards seniority. None of these situations obtain here, because this is not a case where there are no rules governing seniority, nor have applicants established the rota quota rule had broken down. Hence those rulings are not relevant to the facts and circumstance of this particular case.

6. In the result the OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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

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