

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A. No.2653/98 IN
O.A. No.2388/92

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Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)
Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 28th day of August, 1999

Shri S.L. Goel
S/o Late Shri M.L. Goel
Aged about 47 years
R/o 2347, Lodhi Road Complex
New Delhi - 110 003

....Applicant

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India
Through the Cabinet Secy.
Government of India
Rashtrapati Bhavan
New Delhi
2. The Secretary
Research & Analysis Wing
Cabinet Secretariat
Government of India
Room No.8-B, South Block
New Delhi 110 011
3. The Secretary
Ministry of Home Affairs
Govt. of India
North Block, New Delhi-1
4. The Secretary
Ministry of Finance
Deptt. of Expenditure
North Block, New Delhi-1

....Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R

[HON'BLE SHRI R.K. AHOOJA, MEMBER(A)]

The applicant joined as an Accounting Machine Operator in the Intelligence Bureau, which in 1968 was bifurcated into Intelligence Bureau and R&AW. The applicant was allocated to R&AW where he was promoted as UDC in Crypto Branch in December, 1972. The applicant claims that his services were utilised on computers and ministerial jobs. He was also assigned for a wireless training course, at the end of which he

was offered the post of Assistant Field Officer. This offer was declined by him as he was already in a similar pay scale. Between 1983 and 1990 he was assigned general ministerial duties. By a memo dated 10.6.86 he was informed that it was proposed to consider him for the post of Deputy Field Officer or alternatively for absorption as UDC but without counting his full period of ad-hoc service. Even though he accepted the offer for the post of Deputy Field Officer, nothing further came of it. The applicant further states that as a result of the recommendations of the Fourth Pay Commission a Committee was constituted to suggest revised pay scales for Electronic Data Processing staff. The recommendations of the Committee included five different pay scales for Grades A, B, C, D & E. The respondents, however, notified pay scales upto only Group 'D' although in other departments like the Staff Selection Commission, Grade 'E' had also been granted to the EDP staff. In this background, the applicant has sought a direction to the respondents to absorb him in the grade of UDC w.e.f. 1.12.1972 with all consequential benefits in regard to his seniority etc. or in the alternative direct the respondents to appoint him in the scale of Deputy Field Officer from 1982/1986 or in the second alternative to direct the respondents to introduce Grade 'E' for data entry staff.

2. The respondents in their reply have stated that the applicant while working as UDC (Machine Operator) had been deputed for wireless training as the old crypto machines had become outdated. As the applicant

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declined to be posted as Assistant Field Officer, his case was considered for Deputy Field Officer but that was not found feasible as he lacked the essential qualification of a Graduate in Science. The applicant had been advised against absorption in the ministerial cadre as that cadre was already stagnating and there was little hope of promotion therein. They further submit that the applicant had been given the revised EDP scale. The 'E' Grade could not be introduced taking into account the strength of the cadre. For these reasons, the reliefs sought for by the applicant are resisted.

3. Shri Raval, learned counsel for the applicant argued before us that no option was given to the applicant for allocation to R&AW on bifurcation of the Intelligence Bureau. He submitted that his colleagues who had been retained in the I.B. had obtained quicker promotions and better prospects. He further pointed out that the applicant had been given 9 months' W.T. training at public expense. The applicant had done extraordinarily well in the training course and had obtained more than 82 per cent marks. Even so, the applicant's services were not utilised and the public money spent on this training was thus wasted. The applicant, according to Shri Raval, had been repeatedly misled by holding out to him the prospect of a Deputy Field Officer and that such assurances had been given at no less a level than that of the Additional Secretary. As a result the applicant had suffered in his career despite long service and hard work and had only obtained one promotion since 1966.

On


4. We do not find that on the facts and circumstances of the case the applicant can be granted any of reliefs sought for by him. The bifurcation of the Intelligence Bureau cadre took place as far back as in 1968. If the applicant was aggrieved by his allocation, he should have agitated about the same at the proper time. After such a long period of more than 20 years he can no longer make a grievance of it. In so far as the offer of the respondents to consider him for the post of Deputy Field Officer is concerned, it has been explained by the respondents that it was not an offer but his option was being ascertained before making a recommendation for his appointment as such. As pointed out by the respondents, it had been found after examination of the case that the applicant was not qualified in terms of his educational qualifications. In any case, this option had also been given to him in 1986 and this relief is also thus time barred.


5. We now come to the applicant's request that the respondents should be asked to provide for Group 'E' in the EDP cadre. We find firstly that on applicant's own statement he has been placed in Group 'B' in the Grade of Rs.1350-2200. Groups 'C', 'D' & 'E' are promotional grades. The applicant has yet to be promoted to Grades 'C', 'D' before aspiring for Group 'E'. In any case it is outside the scope of this Tribunal to direct the respondents to create higher posts in order to improve the promotion prospects for the staff as the same would have wide financial implications.

On

6. We may lastly see the applicant's case for absorption in the ministerial cadre. His case is that during 1983-90 he was in any case used for ministerial work in stores etc. On the other hand, we find from the respondents' reply that the respondents at one stage were agreeable to consider him for absorption on the ministerial side but had stated that the applicant will not be entitled to count his ad-hoc service of UDC towards his seniority. The case of the applicant, on the other hand, is that his case for seniority should be from December, 1972, i.e. from the date of his ad-hoc promotion. In other words, his request for absorption on the ministerial cadre is also a conditional one inasmuch as it is contingent upon the counting of his ad-hoc service for purposes of seniority and promotion, etc. The dispute regarding his ad-hoc service from 1972 at this stage cannot be considered as the same is time barred. In any case the applicant cannot insist on the pre-condition regarding his ad-hoc service and then also make a grievance of his non-absorption in the ministerial cadre. If he wanted absorption in the ministerial cadre, he should have accepted it on the terms and conditions offered to him as such an absorption could not be claimed as a matter of right. In view of this position the relief sought for by the applicant regarding his absorption in the ministerial cadre can also not be considered.

7. In view of the above discussion, the O.A. fails and is accordingly dismissed. There will be no order as to costs.


(R.K. AHOOJA)
MEMBER (A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN (J)