

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

MP.480/92
MP.481/92
MP.2227/92
in
DA.320/92

Date of Decision: 24-9-92

Shri J.P. Verghese, Counsel for the Petitioners in
MP 480/92 and MP.2227/92.

Shri Jog Singh, counsel for the respondents, in MP.480/92 and MP.2227/92.

Shri B.K. Aggarwal, counsel for the intervenors in MP.481/92.

Shri J.P.Vergheese, counsel for the original applicant in
MP.481/92.

Shri Jog Singh, counsel for the petitioners in MP.2226/92.

Shri J.P.Vergheese, counsel for the respondents in the
MP.2226/92/original applicants.

RAM:

The Hon'ble Mr. T.S. OBEROI, Member(J).

The Hon'ble Mr.B.N. DHOUNDIYAL, Member(A).

ORDER

(of the Bench delivered by
Hon'ble Member Sh.B.N.Dhondiyal)

DA.320/92

This OA has been filed by Shri S.B. Sinha and Other directly recruited Section Officers of the Central Secretariat Service; Applicant No.1 coming in through the 1981 Examination and the rest of the applicants through 1982 Examination. The issues raised in this OA are linked to the long pending disputes regarding fixation of seniority between direct recruits and promoted Section Officers of

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of Central Secretariate Service(C.S.S.) The matter was pending before the Supreme Court in Civil Appeal No.3797 of 1992, Union of India and Others Versus Amrit Lal and Others. In accordance with the directions issued by the Supreme Court on 20.9.91, promotions to the posts of Under Secretary had been made on the basis of a seniority list of March 1987. However, during later proceedings the Supreme Court clarified that promotions should be made on the basis of the seniority list finalised in November 1987. On 31.1.92, the Supreme Court further directed that any officer promoted as Under-Secretary prior to 20.9.91, should not be reverted.

The 10 officers in the present OA approached this Tribunal and on 7.2.92, this Tribunal passed an interim order directing the respondents to maintain status quo in respect of all the applicants. Except Applicant No.1, Shri S.B. Sinha and Applicant No.2 Shri P. Kalyanasundaram, who had already been reverted to the post of Section Officers on 4.2.92, the rest of the applicants continue to work as Ad hoc Under Secretaries.

MP.480/92/2227/92

In these MPs, the two officers, Shri S.B. Sinha and Shri P. Kalyanasundaram, who were senior to many of those who

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continued to work as Under Secretaries approached this Tribunal (through MP 480/92) for restoring their position as prior to 4.2.92, when they were reverted as Section Officers.

MP.481/92.

In this MP, 3 promoted Section Officers have prayed for impleading the promoted Section Officers as respondents as undue promotion of officers not included in the November'87 list ^{bw} have adversely affected their interests.

The learned counsel for the respondents have brought to our notice, the order passed by the Supreme Court on 18.8.92 in Civil Appeal No.3797//91, Union of India & Ors. Vs. Amrit Lal & Ors. decided on 18th August 1992. The following is the operative part of the order:-

"We are of the view that the temporary promotions so far made should remain undisturbed pending finalisation of the common seniority list by the competent authority. We are also of the view that all objections so far filed or which will be filed by the interested parties, including the Stenographers, should be considered by the Government, provided these objections are received by the Government within one month from today. All objections lodged before the Government must be considered and disposed of and the list finalised within 3 months from today.

Accordingly, we direct the Union of India to finalise

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the seniority list within three months from today on proper consideration of the objections. No promotion to the post of Under Secretary shall be made pending finalisation of the list, except, as submitted by the Attorney General, in regard to the Scheduled Castes and the Scheduled Tribes. No promotion so far made on temporary basis shall be disturbed until and subject to the decision of the competent authority in regard to the seniority list.

If the employees are aggrieved in any manner by reason of the final list, which will be prepared by the Government, it will be open to them to challenge the said list before the Central Administrative Tribunal. In the event of such challenge, it will be open to the Tribunal to make any such interim order as it may consider appropriate. The Tribunal shall dispose of the matter finally as quickly as possible."

Taking into account the above directions of the Supreme Court, it would not be proper for this Tribunal to pass any interim order involving the promotion of two officers who have come before us in MP.480/92. We are of the view that / finalising the common seniority list, the Government of India should also take into account the submissions made and issues raised in the present DA and the MPs. We therefore, direct the respondents to take into account all the issues raised

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in the aforementioned MPs and the OA.320/92 before finalising the common seniority list. The applicant in the present OA and the petitioner in the MP Nos.480/92 and 481/92 can also submit their representations to the Government for consideration. As mentioned above by the Supreme Court in the / order, in case any employees are aggrieved by the reason of the final list, which will be prepared by the Government, it will be open to them to challenge the said list before the Central Administrative Tribunal.

The OA.320/92 and MP Nos.480/92, 481/92, 2227/92, are hereby disposed of accordingly.

There will be no order as to costs.

B. N. Dholiyal
(B.N. DHOUDIYAL) 24/3/92
MEMBER (A)

T. S. Oberoi
(T.S. OBEROI) 24.3.92
MEMBER (J)

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