

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI

Or. A. No. 128 of 1993 decided on 10.7.1998.

Name of Applicant : Gopal Datt Joshi & others

By Advocate : Shri D.C.Vohra

Versus

Name of respondent/s UOI through the Secy, DOPT  
& another

By Advocate : Shri S.K.Gupta

Corum:

Hon'ble Mr. N. Sahu, Member (Admnv)

Hon'ble Dr. A.Vedavalli, Member (J)

1. To be referred to the reporter - Yes/No
2. Whether to be circulated to the other Benches of the Tribunal. - Yes/No

*Narasimha*  
(N. Sahu) 10.7.98.  
Member (Admnv)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.128 of 1993

New Delhi, this the 10th day of July, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)  
Hon'ble Dr.A.Vedavalli, Member(J)

1. Gopal Datt Joshi S/o late Shri Jai Deo, aged 56 yrs and resident of 1899, Laxmibai Nagar, New Delhi-110023
2. Ishwar Devi Jain W/o Shri V K Jain, aged 49 yrs and resident of A-3/115, Sector/5, Rohini New Delhi-110085
3. Ved Prakash Rastogi S/o late Shri H R Rastogi, aged 49 yrs and resident of D-5/3, Krishan Nagar, Delhi-110031
4. Mithanlal Gupta, S/o Shri A S Gupta, aged 52 yrs and resident of 418/8 Durga Puri Loni Road/Nand Nagri Delhi-110093.
5. Chander Kanta Arora W/o Shri D P Arora, aged 52 yrs and resident of 38/2B (Sector-11) DIZ Area, New Delhi-110001
6. Kaushalya Narang W/o Shri A R Narang, aged 50 years and resident of 25/7 Ashok Nagar/Tilak Nagar, New Delhi-110018

-APPLICANTS

(By Advocate Shri D.C.Vohra)

Versus

1. Union of India through the Secretary, Deptt of Personnel & Training, North Block, Central Sectt. New Delhi-110011
2. Union Public Service Commission through its Secretary, Dholepur House, Shahjahan Road, New Delhi-110011

-RESPONDENTS

(By Advocate Shri S.K. Gupta)

O R D E R

By Mr. N. Sahu, Member(Admnv) -

The applicants in this Original Application seek a declaration from the Union Public Service

Commission (in short 'UPSC') - the main respondent that they are deemed to be encadered in the Central Secretariat Clerical Services (in short 'CSCS') since the date of their initial appointment as Hindi Typists on the ground that the UPSC is a participating cadre in the CSCS. The next relief prayed for by them is to count their seniority as Senior Hindi Typists since their appointment in the grade, including adhoc service followed by regularisation.

2. The applicants were recruited as Hindi Typists in terms of the Notification issued by the Union of India dated 17.10.1958 (Annexure-A). This notification was replaced by CSCS Recruitment Rules which came into effect since 1.10.1962. The applicants were appointed as Hindi Typists in October, 1964. They were treated as ex cadre staff. On 23.3.1968 respondent no.1 issued an OM (Annexure-F) stating that the question of encadrement of officials like the applicants was under consideration. On 26.12.1968 the applicants were appointed on quasi permanent basis. Their grievance is that respondent no.2 never allowed even a single chance to the applicants during 1970 to 1981 to appear in any of the promotional tests. Following the recommendations of the Joint Consultative Machinery in March, 1979 the applicants were appointed as Comparers on adhoc basis. They represented on 10.8.1982 for promotional opportunities. Respondent no.2 converted their existing post of Comparer into Senior Typist and

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appointed the applicants to those posts since 19.10.1984. After promulgation on 14.4.1987 of the 1987 Recruitment Rules the applicants were reappointed as Senior Typists (Hindi). Their grievance is that their services from 1977 and 1981 were wiped out. Thereafter an order was passed appointing the applicants to the post of Head Typists in the scale of Rs.1600-2660 on 4.3.1992. Their claim is that English Language Typists who joined 9 years later have been given the same status as that of the applicants. Thereafter the applicants submitted exhaustive representations on 9.12.1992 (Annexures - Z-1 to Z-6).

3. We have heard the learned counsel for both the parties. We also notice that in the reply filed by the respondents it is mentioned that the representations are still under consideration and a reply is yet to be given to the applicants. The reply could not possibly be given because, within a month of filing the representations, on 15.1.1993 the O.A. was filed.

4. After hearing the learned counsel for the applicants and going through the representations, we are satisfied that it is important to give an opportunity to respondent no.2 Secretary, UPSC to go through the representations carefully and dispose of the same by reasoned and speaking orders within a period of four months from the date of receipt of a copy of this order. In view of the background and the intricate problems involved, we direct respondent

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no.2 to give an opportunity to the applicants of  
being heard. We further give liberty to the  
applicants to move the Tribunal in case they are not  
satisfied with the orders passed by respondent no.2  
on the disposal of their representations. The O.A.  
is disposed of. No costs.

A. Vedavalli  
(Dr. A. Vedavalli)  
Member (J)

N. Sahu 10.7.98.  
(N. Sahu)  
Member (Admnv)

rkv.