

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT NAINITAL, U.A

NAINITAL THIS THE 23rd DAY OF APRIL, 2003

ORIGINAL APPLICATION NUMBER:- 17 OF 2001

HON. MAJ GEN K K SRIVASTAVA, MEMBER(A)
HON. MRS. MEERA CHHIBBER, MEMBER(J)

M.D.Panday,
son of Shri Purshottam Panday
aged about, 51 years,
r/o c/o S.I.B.Mana Chek
Post, District- Chamoli.
Employed as Security Assistant(G)
at S.I.B. Subsidiary Intelligence Bureau,
Manali (Indo-China Border)
District:- Chamoli.

...Applicant.

Counsel for the applicant :- Shri M.C.Kandpal

V E R S U S

1. Union of India through,
Secretary, Ministry of Home affairs,
North Block,
New Delhi-110001.
2. The Director Intelligence Bureau,
Ministry of Home Affairs,
North Block,
New Delhi, 110001.
3. The joint Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
110, Mall Road,
Lucknow.

... ..Respondents

Counsel for the respondents:- Shri Rakesh Thapliyal

O R D E R

HON. MRS. MEERA CHHIBBER, MEMBER(J)

By this O.A applicant has sought the following
reliefs:-

*1) To quash the impugned Annexures A
as being illegal, arbitrary and issued
in violation of the principle of equality
before law and therefore, in violation
of the fundamental rights of the applicant
guaranteed under article 14,16,21 of the
constitution of India.

2) Consequent to relief at (1) being
granted, direct the respondents to promote
the applicant to the ranks of junior
intelligence officer grade II and junior
intelligence officer Grade-I from the date
his immediate junior was promoted with all
consequential benefits of pay arrears of
difference of pay and allowances,

promotion, seniority bonus etc, that may accrue to him along with it is a given time frame.

3) Award exemplary cost for this application with a further request to pass any other order orders or direction/directions or grant any other relief/reliefs as deemed fit and proper in the light of the facts and circumstances of the case.

2. It is submitted by the applicant that he initially joined in 1971 as Cook which was earlier S.I.B., Almora now known as S.I.B., Lucknow. It is submitted by him that he was sent to various check post at a high top ^{8 Aug 95 B} either rock, from 10,000ft to 18,000ft because/the Cook of the said Check Posts fell sick or due to some other reasons he was asked to work there as a Cook for different period. In 1976 respondents issued a scheme where all the six S.I.Bs were asked to review the cases of Cooks working with them as Cook for appointment as Security Assistant (S.A). Vide order dated 24.01.1977 number of Cooks were appointed as S.A (Annexure A-1). It is submitted by the applicant that number of Cooks who were appointed as SA by this order were junior to him but he was totally ignored. Therefore, he submitted a representation for similar consideration to the higher authorities.

3. The grievance of the applicant is that he was not appointed as S.A alongwith his juniors in the year 1976-1977 as a result of which persons junior to him have been given further promotion as Junior Intelligence Officer Gr.II in 1987 and some of them have been given further promotion to the post of Junior Intelligence Officer Gr.I in the year 1995. Therefore, he filed O.A No. 2217/94 in the Principal Bench, New Delhi which was decided on 09.05.1995 directing the respondents to consider the matter of the applicant in integrated cadre restructuring for which a proposal is already pending with the Government for conversion of Cooks as S.A (non matric). This direction was to be completed expeditiously within

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