(3)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.792 of 2006.

Allahabad, this the 13th day of August, 2007

Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. K.S. Menon, Member-A

C.P. Gupta aged about 54 years,
Son of Sri M.L. Gupta,
Resident of A-333 Avas Vikas Colony,
Nandanpura, Jhanasi.

...Applicant.

Versus

1. Indian Council of Agricultural Research, through Secretary, Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. Director General, Indian Counsel of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi.

...Respondents.

Original Application No.796 of 2006.

Mahipal Singh aged about 59 years,
Son of Sri Zilley Singh,
Resident of D-II, IGFRI Colony, Jhansi.

...Applicant.

Versus

1. Indian Council of Agricultural Research, through Secretary, Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. Director General, Indian Counsel of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi.

...Respondents.

Original Application No.800 of 2006

Shreeram Sikanya aged about 58 years,
Son of Sri Heeralal
Resident of 59/1 Mohini Baba, B.L.C. Road
Jhansi.

...Applicant

Versus

(9)

1. Indian Council of Agricultural Research, through Secretary, Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. Director General, Indian Counsel of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi.

Original Application No.801 of 2006.

D.K. Bhutani aged about 55 years,
Son of Sri V.D. Bhutani
Resident of 2, Shusjeel Enclave,
Gwalior Road, Jkhansi.

...Applicant

Versus

1. Indian Council of Agricultural Research, through Secretary, Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. Director General, Indian Counsel of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi.

Original Application No.795 of 2006

Gyasilal aged about 52 years, Son of Sri Govindi Resident of D-8, IGFRI Colony, Gwalior Road, Jhansi.

...Applicant

Versus

1. Indian Council of Agricultural Research, through Secretary, Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. Director General, Indian Counsel of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi.

...Respondents.

Counsel for the applicant- Shri R.K. Nigam
Counsel for the respondents -Manoj Kumar

O R D E R

By Hon'ble Mr. Justice Khem Karan, V.C.

In all these OAs respective applicants are challenging propriety and legality of show cause notices

(5)

dated 14.7.2006 and further praying that the respondents be restrained from interfering with their working as T-7/T-8 and for commanding them not to disturb original status of T-II-3.

2. All these applicants were promoted to the posts of Technical Assistant T-3 & 4 ~~were promoted~~ from the post of T-1 to T-2-3 in the year 1978 and were subsequently promoted to different grades and up to T-8. They say that all these promotions were made in accordance with the rules, after holding the DPC. Their grievance is that the respondents have now issued a show cause notice dated 14.7.2006 asking them to show cause why the said promotions be not cancelled on the ground that the same were erroneous. They say that this show cause notice is not legal and justified after a lapse of 28 - 29 years of the said promotion. They have taken several pleas.

3. Attempt has also been made to say that so many persons, out of the persons so promoted, have already retired or died during the span of these 27 -28 years and it is not known as to how the said promotions can be said to be erroneous now after a lapse of almost three decades.

4. In their reply, the respondents have tried to justify the show cause notices and have also tried to say that promotion, in question, is not as per rules.

5. Counsel for the applicant has stated that applicants have already given their reply to the impugned show cause notice and the matter is pending with the authorities concerned for taking final decision in the matter. He says that the authority may be asked to take an early decision in the light of what the applicants have said in their respective replies and also in the light of relevant rules and till then the applicant should not to be disturbed from the present position. Learned counsel for the applicants says that early decision is also just and expedient and also

from the point of view that some of the applicants are likely to be retired shortly.

6. Learned counsel for the respondents states that in view of the law laid down by the Apex Court in the case of ICAR and Others Vs. T.K. Suryanarayan and others reported in 1997 (6 SCC 766), the O.As are not maintainable. He however, says that the authority concerned has not taken any decision on the show cause notices, because of the interim order passed by this Tribunal.

7. Learned counsel for the applicants has submitted that the applicants have apprehension that the respondents may disturb their present status and service benefit etc. before the finalization of the matter. Learned counsel for the respondents submits that the question of disturbing the position of applicants will not arise before passing of final orders, pursuant to impugned notice. We think, in view of the statement of Shri Manoj Kumar, we need not pass any order, for not disturbing the present position of applicant, till final orders are passed by the Authority concerned. ~~We think what Shri Manoj Kumar has stated, the Tribunal need not pass any excess orders.~~

8. We think, these OAs should be disposed of and the authority concerned be directed to take a final decision in the context of the notices. These OAs are accordingly disposed of with a direction that the authorities concerned will take an early decision in the context of the show cause notice, after considering the replies given by the applicants or to be given by the applicants within a period of one month from today. No costs.

Let copies be placed on record of connected O.As.

Member-A 13.8.07 Vice-Chairman 13.8.2007

KKM/