

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

1. O.A.No.241/93

Date of order: 13.1.1997

J.L. Narang

: Applicant

vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.

2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.

3. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 29, Chouranghee Lane, Calcutta-700016.

4. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.

5. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.

6. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.

7. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.

...Respondents.

2. O.A.No.231/93

Ram Kumar Mathur

: Applicant

vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.

2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.

3. R.K.Biswas, Director(Geologist), GSI, F-B-17, Salt Lake, Calcutta.

4. Shri G.Thothatiri, Director (Geology), PGES Division, GSI, Prestige Complex, Church Street, Bangalore.

5. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 29, Chouranghee Lane, Calcutta-700016.

6. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.

7. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.

8. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.
9. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.
10. Shri B.K.Alok, Director (Geology), EGI(UP), GSI, 159, Vasant Vihar, Dehradun (U.P.).
11. Shri Om Prakash, Director (Geology), Project- Gold Operation, Bihar GSI Lohia Nagar, Kankarbagh, Patna.
12. Shri N.K.Naskar, Director(Geology), Palaeontology Division-II, CGO, GSI, Kyds Street, Calcutta.

..Respondents

3. O.A.No.232/93

Kashi Ram : Applicant

Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.
3. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 29, Chouranghee Lane, Calcutta-700016.
4. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.
5. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.
6. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.
7. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.
8. Shri B.K.Alok, Director (Geology), EGI(UP), GSI, 159, Vasant Vihar, Dehradun (U.P.).
9. Shri O.M.Prakash, Director (Geology), Project- Gold Operation, Bihar GSI Lohia Nagar, Kankarbagh, Patna.

..Respondents

4. O.A.No.233/93

T.A. Selvan : Applicant

Vs

- CKM/HK*
1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New

(M)

Delhi.

2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.
3. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004
4. Shri Lobin Sangma, Director (Geology), GSI, NER, Kumod Villa Complex, Shillong.
5. Shri S.D.Panwar, Director (Geology) Project-S, Geological Haffing, GSI, NER, Tripura.
6. Shri B.D.Saha, Director (Geology), GSI, Veabed Surveys EEZ & Tesnitorial Water off, Marine Wing, West Bengal & Orissa, Calcutta.

...Respondents.

5. O.A No.234/93

V.K.Kasliwal : Applicant
Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.
3. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.
4. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.
5. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.
6. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.
7. Shri Lobin Sangma, Director (Geology), GSI, NER, Kumod Villa Complex, Shillong.
8. Shri S.D.Panwar, Director (Geology) Project-S, Geological Haffing, GSI, NER, Tripura.
9. Shri B.D.Saha, Director (Geology), GSI, Veabed Surveys EEZ & Tesnitorial Water off, Marine Wing, West Bengal & Orissa, Calcutta.

..Respondents

6. O.A.No.235/93

G.S. Srivastava : Applicant
Vs.

(13)

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.
3. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 29, Chouranghee Lane, Calcutta-700016.
4. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.
5. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&P, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.
6. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.
7. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.
8. Shri B.K.Alok, Director (Geology), EGI(UP), GSI, 159, Vasant Vihar, Dehradun (U.P.).
9. Shri Om Prakash, Director (Geology), Project- Gold Operation, Bihar GSI Lohia Nagar, Kankarbagh, Patna.

..Respondents

7. O.A.No.236/93

Jitendra Singh Sanganeria : Applicant

Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.
3. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 29, Chouranghee Lane, Calcutta-700016.
4. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.
5. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&P, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.
6. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.
7. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional

Chkws

Area, Jhalan Goongri, Jaipur - 302 004.

8. Shri B.K.Alok, Director (Geology), EGI(UP), GSI, 159, Vasant Vihar, Dehradun (U.P.).

9. Shri Om Prakash, Director (Geology), Project- Gold Operation, Bihar GSI Lohia Nagar, Kankarbagh, Patna.

..Respondents

8. O.A No.237/93

D.R.Davay : Applicant
Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastry Bhawan, New Delhi.

2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.

3. Shri G.Thothatiri, Director (Geology), PGES Division, GSI, Prestige Complex, Church Street, Bangalore.

4. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 39, Chouranghee Lane, Calcutta-700016.

5. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.

6. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.

7. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.

8. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.

9. Shri B.K.Alok, Director (Geology), EGI(UP), GSI, 159, Vasant Vihar, Dehradun (U.P.).

10. Shri Om Prakash, Director (Geology), Project- Gold Operation, Bihar GSI Lohia Nagar, Kankarbagh, Patna.

11. Shri N.K.Naskar, Director(Geology), Palaeontology Division-II, CHQ, GSI, Kyds Street, Calcutta.

..Respondents

9. O.A.No.238/93

D.K.Bhatt : Applicant
Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastry Bhawan, New Delhi.

2. The Director General, Geological Survey of India, 27,

(13)

Jawahar Lal Nehru Road, Calcutta - 700016.

3. Shri G.P.Sarkar, Director, Geology, GSI, Map & Cartography Division, Marine Wing, 29, Chouranghee Lane, Calcutta-700016.

4. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.

5. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.

6. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.

7. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.

8. Shri B.K.Alok, Director (Geology), EGI(UP), GSI, 159, Vasant Vihar, Dehradun (U.P.).

9. Shri Om Prakash, Director (Geology), Project- Gold Operation, Bihar GSI Lohia Nagar, Kankarbagh, Patna.

10. Shri N.K.Naskar, Director(Geology), Palaeontology Division-II, CHQ, GSI, Kyds Street, Calcutta.

..Respondents

10. O.A.No.239/93

P.C.Bakliwal : Applicant

Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shastri Bhawan, New Delhi.

2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.

3. Shri Mohan Lal, Director (Geology), Coordination (Kashmir & Ladakh) GSI, NR, 2-3C/C, Gandhinagar, Jammu - 180004.

4. Shri M.R.Kalsotra, Director (Geology), Mineral Investigation (Jammu), Op.J&K, GSI, NR, 2-3C/C, Gandhinagar, Jammu-180004.

5. Shri Sewa Das, Director (Geology), Project Granite (Ladakh) Op.J&K, GSI, NR, 2-3C/C Gandhinagar, Jammu-180004.

6. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.

7. Shri Lobin Sangma, Director (Geology), GSI, NER, Kumod Villa Complex, Shillong.

8. Shri S.D.Panwar, Director (Geology), Project-8 Geological
CIMB Haffing, GSI, NER, Tripura.

(16)

9. Shri B.K.Saha, Director(Geology), GSI, Marine Wing, Veabed Surveys, E&E & Tessianal Waters off, West Bengal & Orissa, Calcutta.

11. O.A.No.240/93

Sibban Kumar : Applicant
Vs.

1. Union of India through the Secretary, Deptt. of Mines, Ministry of Steel & Mines, Govt. of India, Shaantri Bhawan, New Delhi.

2. The Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta - 700016.

3. Shri Asit Ranjan Das, Director (Geology), Project-Tungstan Lithium, Op.Rajasthan, GSI, WR, 15-16, Institutional Area, Jhalan Goongri, Jaipur - 302 004.

4. Shri Lobin Sangma, Director (Geology), GSI, NER, Kumod Villa Complex, Shillong.

5. Shri S.D.Panwar, Director (Geology), Project-8 Geological Haffing, GSI, NER, Tripura.

6. Shri B.K.Saha, Director(Geology), GSI, Marine Wing, Veabed Surveys, E&E & Tessianal Waters off, West Bengal & Orissa, Calcutta.

..Respondents

Mr.Virendra Lodha : Counsel for applicant

Mr.U.D.Sharma : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicants S/Shri J.L.Narang, Ram Kumar Mathur, Kashi Ram, T.A.Selvan, V.K.Kasliwal, G.S.Srivastava, Jitendra Singh Sangamoria, D.R.Daway, D.K.Bhatt, P.C.Bakliwal and Sibban Kumar in these applications under Sec.19 of the Administrative Tribunals Act, 1985, have challenged nonconsideration of their candidature for promotion to the post of Director (Geology) w.e.f. 9.5.91 and sought a direction to the respondents to promote them to the post of Director (Geology) w.e.f. 9.5.91 i.e. from the date persons junior to them have been promoted to the said post. The applicants have also claimed their placement at appropriate places in the gradation list dated 1.10.90 of Geologist (Senior) with consequential benefits as also for a direction for assignment of appropriate seniority in the cadre of Director (Geology).

2. All these applications involve common questions of law and facts and therefore these are being disposed of by a common

order.

3. The main grievance of the applicants is that a seniority list of Geologist (Senior) was issued by the respondents showing the position as on 1.10.90. In the aforesaid seniority list the applicants were assigned seniority at serial numbers mentioned in their respective O.As, when in fact they should have been assigned seniority above the serial numbers at which the seniority was actually assigned to them. On the basis of the seniority assigned to the private respondents in the seniority list of 1.10.90, the private respondents were promoted as Director (Geology) ignoring the just claims of the applicants despite the fact that the applicants were much senior to the private respondents. The private respondents were thus promoted to the post of Director (Geology) earlier than these applicants.

4. The applicants were promoted as Director (Geology) for the first time by the impugned order dated 21.5.92. They are aggrieved by their supersession in the matter of promotion to the post of Director (Geology) and also wrong assignment of seniority in the seniority list of Geologists (Senior) issued on 1.10.90. It is contended by the applicants that their supersession and wrong assignment of seniority was primarily due to the fact that the posts falling vacant were not filled up in terms of the judgment in the case of Virpal Singh Chauhan & Ors. Vs. Union of India & Ors. reported in 1987 (4) ATC 685 and the directions given by Hon'ble the Supreme Court in other cases from time to time. It is contended that the respondents by not taking into consideration the judgment in Virpal Singh Chauhan & Ors. Vs. Union of India & Ors and the decisions of Hon'ble the Supreme Court in this regard have not acted in a fair and just manner.

5. The contention of the respondents is that the final seniority list was issued on 1.10.90 and the applicants at that point of time had not raised any objection in regard to assignment of seniority to them. The present O.A having been filed on 13.4.93 is barred by limitation. It is also stated that the private respondents were selected and promoted against the vacancies for the year 1990-91 reserved for Scheduled Caste candidates for which the applicants were not eligible. It is also stated that the averments of the applicants that their claim for promotion had been ignored is therefore not correct and the applicants have not been superseded.

6. The learned counsel for the respondents at the outset

CKW

(20)

raised a preliminary objection that the applications were filed after more than a year from the date on which the impugned seniority list was issued and therefore they are barred by limitation. It is further stated that these applications are barred by limitation, these being directed against denial of promotion by an order dated 9.5.91.

7. It is borne out from the record that the applicants had agitated their grievance in regard to wrong assignment of their seniority through representations made in December, 1990. The learned counsel for the respondents has relied on the Supreme Court judgment reported at (1995) 30 ATC 635, Secretary to Govt. of India & Ors. Vs. Shivram Mahadu Gaikwad in support of the plea that where a plea regarding limitation is raised, the O.A cannot be allowed ignoring this plea. The contention of the counsel for the respondents is that the applicants have not made any effort to explain the delay and seek condonation. The learned counsel for the respondents has also stated that seniority/promotion granted prior to 10.2.95 cannot be disturbed in view of the said judgments.

8. The grievance of the applicants is regarding denial of promotion w.e.f. 9.5.91. The representations made by the applicants had evoked no response. It is noteworthy that in an identical case U.K.Bassi Vs. Union of India & Ors, the gradation list dated 1.10.90 was under challenge in O.A No.515/CH of 1996 and the same was disposed of by the Chandigarh Bench of the Tribunal by an order dated 22.10.96. Taking into consideration the facts and circumstances of the cases on hand we condone the delay if any in filing these applications in the interest of justice.

9. The controversies raised in these O.As have been settled by the Constitution Bench of Hon'ble the Supreme Court in R.K. Sabharwal Vs. State of Punjab reported in JT 1995 (2) SC 351. The question of reservation in the cases on hand came up for consideration in Union of India Vs. Virpal Singh Chauhan (1995) 6 SCC 684 and Akhil Bhartiya Soshit Karamchari Sangh, through its Secretary & Anr. Vs. Union of India through its Secretary, Ministry of Railway & Ors. reported in 1996 (5) SLR 687. In view of these decisions, we do not propose to issue any specific directions in these cases regarding the placement of the applicants.

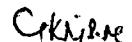
10. In the result, we direct the respondents to ensure that the parameters of reservation are adhered to in terms of the decisions rendered by Hon'ble the Supreme Court in R.K.

(21)

Sabharwal Vs. State of Punjab, JT 1995 (2) SC 351 Union of India Vs. Virpal Singh Chauhan & Ors, (1995) 6 SCC 684 and Akhil Bhartiya Soshit Karamchari Sangh Vs. Union of India & Ors 1996 (5) SLR 684. The placement of officials including the applicants will be made on the basis of the aforesaid decisions of Hon'ble the Supreme Court after issuing notices and hearing those whose placement in the seniority list may be liable to be varied. This will be done within a period of 4 months from the date of receipt of a copy of this order. The O.As are disposed of as aforesaid. No order as to costs.

✓ 
(O.P. Sharma)

Administrative Member.


(Gopal Krishna)
Vice Chairman.