

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 29th day of November, 2010

ORIGINAL APPLICATION No.314/2006

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMINISTRATIVE)

Dr. Khaidem Shuranjoy Singh,
Statistical Investigator Grade-I
(DR Investigator),
Directorate of Census Operations,
Rajasthan, 6-B, Jhalana Doongari,
Jaipur.

.. Applicant

(By Advocate: Shri N.C.Goyal)

Versus

1. Union of India through the Secretary to the Govt. of India,
Ministry of Home Affairs, North Block, New Delhi.
2. The Registrar General of India, 2-A, Mansingh Road, New
Delhi.
3. Union Public Service Commission, through its Secretary,
Dholpur House, Shahjahan Road, New Delhi.

.. Respondents

(By Advocate: Shri Hawa Singh, proxy counsel Shri V.S.Gurjar)

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ORDER (ORAL)

The applicant has filed this OA against the order dated 27.6.2006 (Ann.A/1) whereby on account of revision in the seniority in the grade of Statistical Investigator (SI) Grade-II from 1997 to 2000, the applicant was not held entitled for promotion granted to him on the post of SI Grade-I and representation of the applicant was rejected.

2. While issuing notices to the respondents, this Tribunal vide order dated 31.8.2006 directed the respondents to maintain status quo, as the learned counsel for the applicant contended that order dated 27.6.2006 has not been implemented by the respondents so far and the applicant is still continuing on the post of SI Grade-I. The stay so granted by this Tribunal on 31.8.2006 has been continued from time to time.

3. Parties were heard at length. From the stand taken by the respondents in the reply affidavit, it is evident that the post of SI Grade-I came into existence after restructuring on 29.9.2000. Recruitment Rules for promotion to the post of SI Grade-I were also notified and the said post was required to be filled in 50% by direct recruitment and 50% by promotion from the persons fulfilling the requisite qualification. From the reply, it is also evident that promotion to the post of SI Grade-I from SI Grade-II was not done in terms of the conditions stipulated in the Recruitment Rules notified on 4.8.2001 but the said promotion was given on all India seniority basis and even some persons who did not possess the requisite

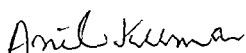


qualification were granted promotion to the post. Such departure from Recruitment Rules was made as one time measure on the basis of the approval granted by the competent authority. Since the applicant has not challenged the policy decision so taken by the respondents and thus granting promotion in violation of the provisions contained in the Recruitment Rules and also persons who do not fulfill the requisite qualification were granted promotion on seniority basis were not made party before this Tribunal, the learned counsel for the applicant on instructions received from his client submits that he may be permitted to withdraw this OA with liberty to file substantive OA for the same cause of action on various grounds including the grounds raised hereinabove.

4. In view of what has been stated above, the applicant is permitted to withdraw this OA at this stage with liberty reserved to the applicant to file substantive OA for the same cause of action on all permissible grounds. It will be permissible for the respondents to raise all permissible objections in the OA to be filed by the applicant. However, in order to protect interest of the applicant the interim stay granted on 31.8.2006 and continued from time to time shall remain operative for a period of one month from today.

5. With these observations, the OA is disposed of with no order as to costs.

6. In view of disposal of the OA, no order is required to be passed in MA No.296/2010, which stands disposed of accordingly.


(ANIL KUMAR)
Admv. Member


(M.L. CHAUHAN)
Judl. Member