

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No.175/2017

New Delhi this the 28th day of February, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P.K. Basu, Member (A)**

Navneen Chandra Jayal, 60 years
S/o Sh. C.P. Juyal,
Retired as Assistant Director(PF)
Press Information Bureau, National Media Centre
New Delhi.
Permanent resident of H. No. 40, Lane No.I.D.,
Shastri Nagar, Dehradun(UK). -Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The Secretary, Ministry of I&B, Govt of India,
Shastri Bhawn, New Delhi.
2. The Director General
Directorate of Advertising & Visual Publicity (DAVP)
Soochna Bhawan, CGO Complex,
Lodhi Road, New Delhi. Respondents

(By Advocate: Shri V.K.Sharma)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Hear both sides.

2. The applicant filed the present O.A. seeking the following relief:-

“(i) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to count the service of the applicant from the date of his appointment as Exhibition Assistant i.e. 11.01.1979 till 23.11.1996 for all purposes including seniority and pensionary benefits in accordance with the ratio laid down by the Hon'ble High Court of Madras in its judgment dated 10.04.2001 in Writ Petition (C) No. 3620/1998, by way of extending the benefits of judgments dated 12.2.2016 passed by the Hon'ble Principal Bench, New Delhi in OA No. 1109/2013 with all the consequential benefits, as the judgment of the Hon'ble Tribunal has been implemented vide order dated 22.08.2016.

ii) Any other relief which the Hon'ble Tribunal deem fit and proper also be granted to the applicants along with the costs of litigation.

3. When this matter was taken up for hearing, learned counsel for the applicant submitted that applicant would be satisfied if the OA is disposed of by directing the respondents to take a final view on his claim within a specified period.

4. Annexure A1, dated 28.06.2016, which is a reply given to the applicant by the Respondent no.2, reads as under:-

“ I am directed to refer to your representation dated 21.04.2016 and 09.05.2016 and Grievance Petition No. MOIAB/E/201601033 dated 11.5.2016 requesting therein for re-fixation of his seniority by implementing the CAT, PB, New Delhi's judgment dated 12.02.2016 in O.A.No.1109/2013 filed by Shri B.N. Sharma in his case also.

2. It is to intimate that in the light of Hon'ble Tribunal's judgment dated 12.02.2016 in the above said O.A., the matter has been examined in detailed in the Ministry. The Hon'ble CAT vide its judgment dated 12.02.2016 has directed the respondents to fix the seniority of the applicant ie. Shri B.N. Sharma in accordance with the ratio laid down by the Hon'ble High Court of Madras in its judgement dated 10.04.2001 in Writ Petition (C) No. 3620/1998. Hon'ble Tribunal has not given any directions to the respondents to implement the above judgment to similarly placed persons and moreover, Shri N.C. Jayal is not an applicant in the above said OA and the above judgment is case specific.

3. However, the competent authority has sought the advice of Department of Law in the matter. Subsequently, Department of Law has advised to obtain specific comments of DOP&T on the fixation of seniority in terms of Shri Pillai's case. Therefore, on the advice of Department of Law, DOP&T's has been sought by the Ministry in the mater. The advice of DOP&T has not yet been received. As and when the advice of DOP&T is received, the request of Shri N.C. Jayal will be examined separately and a decision of the competent authority in the matter will be intimated to Shri N.C. Jayal accordingly. Hence, the above grievance petition stands disposed off for the present.

4. This issues with the approval of JS(P&A)”

5. Since the claim of the applicant is under consideration and since the Ministry of Information & Broadcasting seeks appropriate advice of the DOPT, this OA deserves to be disposed of.

6. In these circumstances, the O.A. is disposed of, without going into the other merits of the case, by directing the respondents to take a final view on the claim of the applicant and to pass an appropriate speaking and reasoned order thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

(P.K. BASU)
MEMBER (A)

/mk/

(V. AJAY KUMAR)
MEMBER (J)