

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.639/2016
M.A.No.628/2016

Order Reserved on: 29.02.2016
Order pronounced on 02.03.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

Uttam Dey Sarkar & Ors. ... Applicants

(By Advocate: Mrs. Avnish Ahlawat with Sh. Vaibhav Mishra)

Versus

Union of India & Ors. ... Respondents

(By Advocate: Shri R.N.Singh)

O R D E R (on interim relief)

By V. Ajay Kumar, Member (J):

Heard Mrs. Avnish Ahlawat and Shri Vaibhav Mishra, learned counsel for the applicants and Shri R.N.Singh, for the respondents, on the question of admission and interim relief, and perused the pleadings on record.

2. M.A.No.628/2016, for joining together, is allowed.

3. The applicants, who are 56 in number and working as Assistant Section Officers (ad hoc) in various Ministries and belongs to the

Central Secretariat Clerical Service (CSCS), filed the OA seeking the following relief(s):

- a) "To declare the action of the respondents by DoPT O.M. No.12/1/2011-CS.II(B) (Vol.II) dated 06.10.2015, O.M. No.12/1/2011-CS.II(B) dated 06.10.2015, O.M. No.12/5/2015-CS.II(B) dated 02.11.2015, O.M. No.12/1/2011-CS.II(B) dated 16.11.2015, O.M. No.11/1/2015-CS.II(B) dated 08.12.2015, and O.M. no.11014/1/2015 dated 09.12.2015 as illegal and arbitrary and restore the seniority of the applicants;
- b) To set aside the order of the Respondent vide O.M. No.12/1/2011-CS.II(B) (Vol.II) dated 06.10.2015, O.M. No.12/1/2011-CS.II(B) dated 06.10.2015, O.M. No.12/5/2015-CS.II(B) dated 02.11.2015, O.M. No.12/1/2011-CS.II(B) dated 16.11.2015, O.M. No.11/1/2015-CS.II(B) dated 08.12.2015, and O.M. no.11014/1/2015 dated 09.12.2015;
- c) To order Respondent No.1 for withdrawal and necessary modification of DoPT O.M. No.12/1/2011-CS.II(B) (Vol.II) dated 06.10.2015, O.M. No.12/1/2011-CS.II(B) dated 06.10.2015, O.M. No.12/5/2015-CS.II(B) dated 02.11.2015, O.M. No.12/1/2011-CS.II(B) dated 16.11.2015, O.M. No.11/1/2015-CS.II(B) dated 08.12.2015, and O.M. no.11014/1/2015 dated 09.12.2015;
- d) Any other order or direction that this Hon'ble Court deems fit in the interest of justice."

They have also prayed for stay of operation of the aforesaid Office Memorandums pending disposal of the OA.

4. It is the grievance of the applicants that their positions in Select List of 2003 of UDC grade of CSCS have been drastically changed to their disadvantage, all of a sudden and without putting them on any prior notice and without following any due procedure, causing reversions and recoveries. It is also submitted that identical OAs are pending and status quo orders were passed therein. The learned counsel for the respondents filed a short

affidavit and opposed the admission of the OA and also of granting of any interim order by raising various grounds.

5. However, the learned counsel for the respondents failed to dispute the fact that the position of the applicants in Select List of 2003 of UDC grade of CSCS, which was in existence till the issuance of the impugned orders, is drastically changed to the disadvantage of the applicants, all of a sudden, and that any specific notice is given to them before issuing the impugned orders.

6. In the circumstances and in view of the prima-facie case, the respondents are directed not to revert the applicants nor affect any recoveries till further orders.

7. List on 01.04.2016.

8. In the meanwhile, the respondents shall file their detailed counter.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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