

**Central Administrative Tribunal  
Principal Bench**

**OA No.491/2015**

New Delhi, this the 16<sup>th</sup> day of February, 2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)**  
**Hon'ble Mr. V.N. Gaur, Member (A)**

Shri Kuldip Singh,  
S/o Udey Singh,  
(Post of Head Clerk),  
Aged about 35 years,  
R/o Narender Nagar,  
Gali No.6, Near, ITI  
Sonepat-131001 (Haryana)

...applicant

(None )

**Versus**

Govt. of NCT Delhi through,

1. Chief Secretary,  
Govt. of NCT of Delhi,  
New Secretariat, IP Estate,  
New Delhi-02.
2. Secretary,  
Services Department,  
Govt. of NCT Delhi,  
New Secretariat, IP Estate,  
New Delhi-02.

...respondents.

(By Advocate : Shri Vijay Pandita )

**ORDER (ORAL)**

**Mr. A.K. Bhardwaj, Member (J) :-**

The prayer made by the applicant in the present OA filed under Section 19 of the Administrative Tribunals Act, 1985 read thus :-

- “a) Pass any appropriate order or direction thereby holding and declaring that the Date of Appointment of the Applicant in Gr.-II (DASS) Seniority List (Annexure A-7 hereto) against his seniority No.7839 shows as 05.04.2011 & the Date of Entry in service as 30.06.2011 is arbitrary, perverse and unsusustainable in law; and consequently
- b) to issue appropriate order or direction thereby setting aside in the Seniority List i.e. Annexure “A-7” the Date of Appointment of the Applicant in Gr.II (DASS) as 05.04.2011 & the Date of Entry in Service as 30.06.2011; and consequently thereto
- c) to issue appropriate order or direction to the Respondents to rectify the Seniority List i.e. Annexure “A-7” to the effect that the Date of Appointment of the Applicant (having seniority No.7839) be corrected as 21.06.2008 i.e. the date on which the Applicant as per F.R. 17 assumed office & the Date of Entry in Service be accordingly suitably corrected as 21.06.2008 in terms of the judgment dated 24.11.2011 passed by the Hon’ble High Court W.P.(C) No.8910/2009; and thereupon;
- d) to hold and declare that the Applicant is entitled to promotion to Grade-I (DASS) w.e.f. 21.06.2008 alongwith all consequential benefits; and
- e) to issue appropriate directions to Respondents to forthwith consider and promote the Applicant to Grade-I (DASS) w.e.f. 01.01.2015 alongwith all consequential benefits;
- f) to issue appropriate order or direction thereby directing the Respondents to pay compensatory costs to the applicant in causing acute harassment and mental agony to the applicant as a result of the non-implementation of the judgment dated 24.11.2011 passed by the Hon’ble High Court.

- g) Pass any other or further order as this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the case;
- h) Costs.”

2. In terms of the communication No.F.(1)/2013/S-IV/JSC/2346-2351 dated 14.12.2015, the respondents have changed the date of appointment of the applicant as Grade-II (DASS) to 05.04.2011. The order read thus :-

“Please refer to this department's letter No.F.6(1)/2013/S.IV/JSC/643-649 dated 30.04.2014 vide which the final seniority list of Grade-II (DASS) appointed from 01.01.2006 to 31.12.2010 was issued. In this connection, I am directed to inform that the following changes/amendments/ insertion in the Col. No.8 against the seniority number 7839 seniority list of Grade-II (DASS) have been allowed. :-

Snty . No.	Name of official	D.O.B .	SC/ ST	Snty. No. in Gr.III (DASS)	Date of Appt. In Gr-II (DASS)	D.O.E. in Govt. Serv.	Remarks
7839	Kuldip Singh	10.06.80	-	-	05.04.2011	30.06.2011	<i>As Sh. Kuldip Singh has been granted pay/ difference of pay w.e.f. 21.06.2008, it can be construed that the official is on the roll of Delhi Government as Grade-II (DASS) w.e.f.</i>

							21.06.2008.
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This is issued with the prior approval of Pr. Secretary (Services). The official concerned may be informed accordingly. The Service Book (in original) in r/o Sh. Kuldip Singh, Gr-II (DASS) is returned herewith.”

3. In the additional affidavit filed by the respondents, it is submitted that on the basis of seniority of Grade-II (DASS), the applicant has been promoted to the post of Grade-I (DASS). The order read thus:-

**“O R D E R NO: 15**

On the recommendation of the Review Departmental Promotion Committee, the Chief Secretary, Delhi, is pleased to order the promotion of following Grade-II (DASS) official to the post of Grade-I (DASS), on regular basis under rule 6 of DASS Rules, 1967 in the pay scale of Rs.9300-34800 with Grade Pay of Rs.4800/-, notionally with effect from 01.01.2015 and actually with effect from date of his joining, as per detail given below :-

Sl. No.	Name of the official/ Date of Birth	Snty. No.	Cat.	Date of Promotion (Notional)	Name of Junior/Snty. No. in Gr.II (DASS)
1.	Shri Kuldip Singh/ 10.06.1980	7839	UR	01.01.2015	Ms. Chanchal Vohra/Arora/ 7840

The above named promoted official may exercise option, if any, within one month in pursuance of the instructions of Government of India regarding fixation of pay as contained in FR-22.

However, above named official is not entitled to the payment of pay & allowances for the period for which he has not actually worked as Grade-I

(DASS). The benefit will be admissible with effect from the actual date of his joining to the post of Grade-I (DASS).

Consequent upon his promotion to Grade-I (DASS), the above-mentioned official is posted as Superintendent in Directorate of Education, against vacant post.

The head of Department concerned should ensure that above-mentioned official is clear from vigilance angle as on date, before relieving him to take up his new assignment.”

4. In view of the aforementioned, the OA is disposed of as infructuous. No costs.

( V.N. Gaur )  
Member (A)

( A.K. Bhardwaj )  
Member (J)

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