

**Central Administrative Tribunal
Principal Bench**

**OA No.1154/2018
MA No.1292/2018**

New Delhi, this the 20th day of March, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Amit Kumar Ruhela, Aged about 32 years,
S/o Sh. Chander Singh,
R/o Qtr. No.145, Type-1,
Press Colony,
Mayapuri, New Delhi-110064.

2. Mahender Singh, Aged about 55 years,
S/o Late Shri Rampat Singh,
R/o E/1679, Dabua Colony,
Air Force Road,
NIT Faridabad,
Haryana-121001.

(Group 'C')
(Steno and Peon respectively)

...Applicants

(By Advocate : Shri Ajesh Luthra)

Versus

1. Union of India,
Through its Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.

2. The Joint Secretary (Trg.) and CAO,
Ministry of Defence,
'E' Block Hutments, CAO, Dalhousie Road,
New Delhi-110001.

3. Additional Directorate General MP-4 Civ(b),
Ministry of Defence,
West Block III, 1st Floor, R.K. Puram,
New Delhi-110066.

4. Directorate General Operational Logistics & Strategic Movements,
Ministry of Defence,
Room No.506, D-1 Wing, 5th Floor,
Sena Bhawan,
New Delhi-110011.

...Respondents

(By Advocate : Shri Ranjan Tyagi)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard the learned counsel for applicant and Shri Ranjan Tyagi, learned counsel, on receipt of advance notice on behalf of respondents.

MA No.1292/2018

2. For the reasons stated therein, the MA filed for joining together in a single Application is allowed.

OA No.1154/2018

3. The applicants filed the OA seeking the following reliefs :-

- “a) Issue directions to the respondents to determine the cadre of the applicants and
- b) To issue directions to the respondents to include the name the applicants in the seniority list issued by the respondents granting them the benefits accruing therefrom and grant them

promotion to the higher cadre/post alongwith increase in the pay scale accordingly, to which they are entitled to as per their service under the provisions of under provisions of the Mantralaya letter no.28(6)67/D(Appts) dated 29 June, 1973 (reproduced in CPRO 73/73).

- (c) To direct the respondents to grant the applicants salary at the pay level 7 according to 7th Pay Commission and Grade Pay of Rs.4,600/- which being at parity to the pay scale being given to other incumbents holding the same post under the department and also to pay the applicants the difference in the salary being given to them from that of other incumbents holding same or similar posts as abovesaid, from the date such difference accrue, alongwith arrears.
- (d) Accord all consequential benefits.
- (e) Award costs of the proceedings; and
- (f) Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicants.”

4. It is seen that Deputy Director, CAO/R-II of the Ministry of Defence, Office of the JS&AM (MS) & CAO vide his letter dated 16.08.2017 addressed to the 4th respondent, Directorate General Operational Logistics & Strategic Movements, New Delhi, recommended as under :-

“Reference representations of Shri Amit Kumar Ruhela, Steno, DGOL & SM dated 02 Jan 2017 and 23 May 017.

2. A representation of Shri Amit Kumar Ruhela, Steno regarding seeking confirmation of his Cadre Controlling Authority and grant of MACP after completion of 10 years of service.

3. It appears that the individual has been transferred to DGOL as a routine transfer against the post created by re-mustering of surplus staff from the Lower Formation as and when required.

4. Since, the post is not encadred with the AFHQ Stenographers Service, the CAO office can't function as Cadre Controlling Authority for an ex-cadre post. In absence of absorption clause in the Recruitment Rules, the individual alongwith the post could not be merged with AFHQ Stenographers cadre.

5. in view of the above, the following are recommended :-

(a) The prior Cadre Controlling Authority may be continued as the Cadre Controlling Authority of the individual; or

(b) The individual may be transferred to any other Army Establishment located in Delhi; or

(c) DGOL may function as Cadre Controlling Authority and the DPC may be conducted by the Committee constituted by DGOL for considering his case for MACP.”

5. In the circumstances and in view of the above referred recommendations, the OA is disposed of without going into the merits of the case by directing the respondent No.4 to take a final view on the claim of the applicants and to pass appropriate speaking and reasoned order, in accordance with law, within 90

days from the date of receipt of a certified copy of this order. No costs.

6. Let a copy of the OA, be enclosed to this order.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

'rk'