

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-2025/2015 with
OA-2124/2015
OA-2652/2015
OA-411/2016
OA-2004/2015
and
OA-1940/2016**

New Delhi, this the 23rd day of September, 2016.

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

OA-2025/2015, MA-1841/2015

1. Ex Sub JE/CIV Naresh Kumar Yadav,
S/o Sh. Nihal Singh Yadav,
Aged about 55 years,
R/o RZ-706/C1, Gali No. 17,
Sadh nagar, Palam Colony,'
New Delhi-45.
2. Ex-Sub Maj Je/(E&M) Krishan Lal,
S/o Sh. Mange Ram,
Aged about 53 years,
R/o Plot No. 2, Panchayat Bhavan Road,
Near Radha Krishan mandir, VPO: Chhawla,
New Delhi-71.
3. Ex- Sub Maj JE/Civ C. Arumueam,
S/o Sh. K. Chander Gounder,
Aged about 54 years,
R/o No. 12, Pudhu Agra Garam Street,
Kosapet Vellore-I.
4. Ex-Sub Maj JE/(E&M) Mohd. Shadiq,
S/o Sh. M. Mohd. Shah,
Aged about 47 years,
R/o 46/4K Mohamed Salina Puram,
Pallivasal Street No. 2 Kovilpatti,
Thoothukudi Distt, Tamil Nadu St.
5. Ex-Sub Maj JE/(E&M) Narayananan T.V.
S/o Sh. Krishana TV,
Aged about 53 years,
R/o Vani Illam 10/324 PI, Balaji Nagar,
Aruvankadu (PO), Nilgiri (Distt),
Tamil Nadu.

6. Ex-Sub Maj JE/Civ Anand Singh Sijwali,
s/o Sh. Man Singh Sijwali,
Aged about 55 years,
R/o Shiv Kurpa, Sandesh Nagar,
Ahmed Nagar-414003.
7. Ex Sub Mah JE/Civ Dashrath Singh,
S/o Sh. Magan Singh,
Aged about 53 years,
R/o Adarsh Vihar, PO Samshergarh,
Dehradun-248001.
8. Ex Sub JE/(E&M) Natha Singh,
S/o Sh. Chota Singh,
Aged about 55 years,
R/o VPO: Bhagwanpura, Tehsil: Samrala,
Distt: Ludhiana Punjab.
9. Ex Sub JE/(E&M) Darshan Singh Dheer,
S/o Late Sh. Santokh Singh Dheer,
Aged about 55 years,
R/o WZ L-19, Street No. 15 first Floor New
Mahavir Nagar, New Delhi-18.
10. Ex Sub Maj JE/Civ Uday Pal Singh Parihar,
S/o Sh. Bhawan Singh Parihar,
Aged about 54 years,
R/o VPO: Paithani, (Narainbazar) Distt:
Chamoli, Uttarakhand-246455.
11. Ex Sub JE/ (E&M) Jaswant Singh,
S/o Sh. Dhyan Singh Rawat,
Aged about 54 years,
R/o Vill : Ginwanyi Sol, PO: Kothdwara, Distt:
Pauri Garhwal, UK-246149.
12. Ex Sub JE/(E&M) Rakesh Kumar Bhadula,
s/o Sh. Sita Ram Bhadula,
aged about 54 years,
r/o 115/B, Pipal Wali Gali, panyala Road,
Subhash Nagar, Roorkee,
Distt: Haridwar, UK.
13. Ex. Sub. Maj. Kishan Lal Chaudhary,
S/o Sh. Ram Lal Chaudhary,
Aged about 53 years,
R/o Adarsh Nagar, Distt. Tonk,
Rajasthan.

Applicants

(by Advocate : Sh. M.K. Bhardwaj)

Versus

Union of India & Ors. Through:

1. The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Engineer-in-Chief,
Rajaji Marg, Kashmir House, New Delhi.
3. The Commandant BEG and Centre,
Roorkee, Uttarakhand-247667.
4. The DG (Pers)
E-IN-C Branch,
Rajaji Marg. Kashmir House,
New Delhi. Respondents

(By Advocate : Sh. Ramjan Khan for Sh. Hanu Bhaskar)

OA-2124/2015, MA-1025/2016

Subedar Ram Prakash, JE (Civil),
JC-16511A,
Aged about 51 years,
S/o Sh. Raja Ram,
R/o Flat No. 101, L-6, Ashirwad Apartment,
Behind Shiv Shakti Plaza,
Mahaveer Enclave, New Delhi-110045. Applicant

(by Advocate : Sh. M.K. Bhardwaj)

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2. Engineer-in-Chief,
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3. The Commandant BEG and Centre,
Roorkee, Uttarakhand-247667.
4. The DG (Pers)

E-IN-C Branch,
Rajaji Marg. Kashmir House,
New Delhi.

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Respondents

(By Advocate : Dr. Shamshuddin Khan)

OA-2652/2015, MA-2365/2015

1. Subedar Vikram Singh Panwar,
JC-207604L,
Aged about 52 years,
S/o Sh. Ami Singh,
R/o 586/8, Sunshine Enclave,
Society Area, Clemen Town,
Dehradun.
2. Subedar Major Prashant Kumar,
JC-207664A,
Aged about 46 years,
S/o Late Sh. Narendra Pal Singh,
R/o H.No. 769, South Civil Line,
Mujjafar Nagar, UP.
3. Subedar Major Ram Kumar,
JC-207630M,
Aged about 46 years,
S/o Sh. Ram Bhaj Singh,
R/o 586/7, Sunshine Enclave,
Society Area, Clemen Town,
Dehradun.
4. Subedar Major Balraj Singh,
JC-199933K,
Aged 49 years,
S/o Sh. Chatter Singh,
R/o D-1, P&T Colony, Gopinath Bajar,
Delhi Cantt., New Delhi-110010. Applicants

(by Advocate : Sh. M.K. Bhardwaj)

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1. The Secretary,
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New Delhi.
2. Engineer-in-Chief,

Rajaji Marg, Kashmir House,
New Delhi.

3. The Commandant BEG and Centre,
Roorkee, Uttarakhand-247667.

4. The DG (Pers),
E-IN-C Branch,
Rajaji Marg, Kashmir House,
New Delhi.

.... Respondents

(By Advocate : Sh. Ramjan Khan for Sh. Hanu Bhaskar)

OA-411/2016, MA-1428/2016, MA-397/2016 and MA-398/2016

1. Ex-Sub Maj Subhash Chand JE (E&M),
JC-191535N,
Aged about 50 years,
S/o Sh. Basi Ram,
R/o Flat No. 414, Pacific Heights, Roorkee Road,
Meerut, UP.

2. Ex NK Onkar Singh, JE (E&M),
No. 1579019W,
Aged about 46 years,
S/o Sh. Raghunath Singh,
R/o H-184, Nanak pura, South Moti Bagh-II,
New Delhi-110021.

3. Ex-Sub Maj Amar Singh JE (E&M),
JC-199898M,
Aged about 53 years,
S/o Sh. Tej Ram,
R/o Near Gurudwara, P.O. Kotkasim,
Distt. Alwar, Rajasthan-201702.

... Applicants

(by Advocate: Sh. M.K. Bhardwaj)

Versus

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Engineer-in-Chief,
Rajaji Marg, Kashmir House,
New Delhi.

3. The Record Officer,

BEG & Centre,
CCA-III Section,
Roorkee, Uttarakhand-908779, C/o 56 APO

4. The DG (Pers),
E-IN-C Branch,
Rajaji Marg, Kashmir House,
New Delhi.
5. Ex. Sub. Maj. Virender Kumar JE(E/M),
JC-224930K,
R/o 31/989, Malik Colony,
Gali No. 3, Ghana Road,
Sonepat, Haryana.
6. Ex. Sub. Mah. Om prakash Jangir JE (E/M),
JC-174757M,
R/o Near Rani Sati Mandir, Jhunjhunu,
Pilani, Rajasthan.
7. Ex. Sub. Maj. Anil Kumar JE (E/M),
JC-174836F,
R/o Hill VCW Apartment, P-3/04,
Sahasradhara Road, Dehradun, U.K.
8. Ex. Sub. Maj. Pramod Singh Adhikari,
JC-191549L,
R/o Subhash Nagar, Haldwani, Nainital
Uttarakhand.
9. Ex. Sub. Maj. Vijendra Pal Singh JE (Civil),
JC-191563A,
R/o H.No. 32, Lane-4,
On vihar, Dehradun-248001.
10. Ex. Sub Maj. Sandeep Kumar Gaur JE (E/M),
JC-174797N,
R/o Prem Nagar, Roorkee,
Uttarakhand. ... Respondents

(By Advocate : Sh. S.N. Verma)

OA-2004/2015, MA-1836/2015 and MA-1932/2015

1. Subedar Anil Kumar Bhadula, JE (E&M),
JC-153705H,

Aged about 51 years,
s/o Late Sh. Sita Ram,
R/o 115, B/\$, Subhash Nagar,
Peepal Street, Roorkee, Uttarakhand-247667.

2. Sub. Maj. Chandra Shekhar singh, JE (Civil),
JC-326171H,
Aged about 51 years,
S/o Sh. Rama Shanker singh,
R/o Village : Trilokpur, Post Uttarauli,
Distt. Ghazipur, U.P.-232333.
3. Sub. Maj. Khandagale Vaman Ramachandra, JE(C),
JC-224954N,
Aged about 47 years,
s/o Sh. Rama Chandra,
R/o Chopadi, Tehsil Sangola,
Distt. Solapur-413308.
4. Sub. Mohd. Farooq Parrey, JE (E/M),
Jc-331520L,
Aged about 46 years,
s/o Sh. Mohd. Ismai; Parrey,
R/o Village Manzgam, P.O. Manzgam,
Tehsil Kulgam, Distt. Anangnag,
J&K-192233. ... Applicants

(by Advocate: Sh. M.K. Bhardwaj)

Versus

Union of India & Ors through:

1. The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Engineer-in-Chief,
Rajaji Marg, Kashmir House, New Delhi.
3. The Commandant BEG and Centre,
Roorkee, Uttarakhand-247667.
4. The DG (Pers)
E-IN-C Branch,
Rajaji Marg. Kashmir House,
New Delhi.

5. Union Public Service Commission,
Through its Chairman,
Dholpur House, Shahjahan Road,
New Delhi. Respondents

(by Advocate : Sh. Ramjan Khan for Sh. Hanu Bhaskar)

OA-1940/2016, MA-1896/2016, MA-1897/2016

1. Ex-Nk Harminder Singh JE (E&M),
1579545P,
Aged about 48 years,
S/o Sh. Karam Singh,'
R/o WZ-1080B, Nangal Raya,
New Delhi-110046.

2. Ex-Nk Lekh Raj Singh, JE(E&M),
6389923F,
Aged about 46 years,
S/o Sh. Kunwar Pal Singh,
R/o Kutub Vihar, Phase I,
'A' Block, New Delhi.

3. Ex-Nk Birendra Singh Je (E&M),
6389743Y,
Aged about 45 years,
S/o Sh. Devi Singh,
R/o Wz-1078, tulsi Ram Bagchi Lane,
Naya Nangal,
New Delhi. Applicants

(By Advocate : Sh. M.K. Bhardwaj)

Versus

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Engineer-in-Chief,
Rajaji Marg, Kashmir House,
New Delhi.

3. The Record Officer,
BEG & Centre,

CCA-III Section,
Roorkee, Uttarakhand-908779, C/o 56 APO

4. The DG (Pers),
E-IN-C Branch,
Rajaji Marg, Kashmir House,
New Delhi.

5. The Secretary,
Ministry of Personnel, Public grievances & Pension
Department of Personnel & Training,
North Block, New Delhi. ... Respondents

(By Advocate : Sh. M. S. Reen and Sh. Ramjan Khan for Sh. Hanu Bhaskar)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

We are disposing of OA Nos. 2025/2015, 2124/2015, 2652/2015, 411/2016, 2004/2015 and 1940/2016 together as the issue is the same.

2. We have heard Sh. S.N. Verma, who is respondent counsel in OA No.411/2016. To our understanding, there seems to be no difference of opinion between the applicants and the respondents. The difficulty is in the process adopted by the respondents in giving relief to the applicants and similarly placed persons. The applicants are Ex-servicemen, who, under Scheme of Government namely, Deputation cum re-employment of Ex-servicemen to Civilian post, wish to be offered Civilian post on their retirement. The same matter had come up before this Tribunal in OA No. 2226/2014, which was disposed of by this Tribunal vide order dated 29.05.2015 by passing the following order:

"23. It is, therefore, amply clear that the applicants of this OA are also entitled to the same benefits as have already been granted by the Coordinate Benches in the above cited cases. The result of all these judgments would be that anybody who had retired in the interregnum period in between 27.04.2011 to 16.04.2012, before the retrospective amendment dated 17.04.2012 came into effect, shall not be hit by the prescription in the amendment, that that amendment

was retrospective in nature, and operative from 27.04.2011 itself.

24. Therefore, the OA is allowed to that extent, with further directions upon the respondents to calculate the 20% vacancies of PBOR w.e.f. 27.04.2011, and 10% vacancies of PBORs before that date, and maintain a proper register regarding the filling up of such year-wise PBOR vacancies separately, which cannot accrue to any of the two other categories of the modes of the recruitment, to the detriment of the persons who are "**retiring**" or "**have retired**" in the interregnum period from 27.04.2011 to 16.04.2012. This is the ratio of all the above cited judgments also, strictly as per the Rules."

3. Learned counsel for the respondents, Sh. S.N. Verma states that as a result of this order, the respondents have prepared a panel of such ex-servicemen arising out of quota meant for them (20% of the vacancies after 24.11.2012 and 10% vacancies before that date) and as and when vacancies arise offer is made to such ex-servicemen. In case, any ex-servicemen, who has been offered DCRE and he declines to accept that offer or any one has unfortunately died, in the meantime, such vacancies are then offered to those in the reserved panel according to merit list.

4. It is for this reason that we have said right in the beginning that there is no substantial difference of opinion among the applicants and the respondents.

5. The grievance has arisen because having prepared the panel and having offered appointment to ex-servicemen out of this panel, the respondents have not kept any cut-off date by which the ex-servicemen have to accept the offer. It is stated by the learned counsel for the applicants that for instance many of those persons who have been offered DCRE have since expired. It is also asserted that many of these ex-servicemen who have been offered DCRE have also clarified that they are no longer interested in this job. As a result, while the vacancies exist, those who are willing and are in the panel are not being offered jobs. The learned counsel for the applicants further clarified at this stage that respondents had twice fixed a cut-off date vide

annexure A-5 and letter dated 08.08.2015(page 88). However, the respondents did not stick to the cut off date.

6. It is the contention of the learned counsel for the respondents that the respondents have taken due steps to implement the order of this Tribunal as well as try to ensure that the ex-servicemen are treated fairly. We do not deny the genuine efforts made by the respondents. The question is that their offer is open ended. We therefore, dispose of all these OAs with a direction to the respondents that they may issue a public notice giving reference to their earlier notices fixing cut off date not beyond 60 days before which any ex-servicemen out of the total panel, who is interested may give their preference for appointment. Wide publicity may be given to this, if necessary, through Army Welfare Association, etc. After the stipulated cut-off date, appointments shall be made strictly according to merit list within a time frame of ninety days from the cut off date stipulated by them for the vacancies existing now. For future vacancies, they will follow similar procedure. We make it abundantly clear that offer should be made to all retired ex-servicemen irrespective of the date of the retirement. In case, anybody's appointment is rejected on the ground that they do not have the requisite qualifications on merit, before taking a decision, the respondents shall communicate this to the concerned ex-servicemen through a show cause notice and take a decision after consideration of his show cause. No costs.

(Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member(A)

/ns/