

**Central Administrative Tribunal  
Principal Bench**

**OA No.4511/2015**

Order reserved on : 14.01.2016  
Order pronounced on : 09.03.2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)  
Hon'ble Dr. B.K. Sinha, Member (A)**

Shri V.K. Sohal, Age 55 years,  
S/o Shri Sadhu Ram, SQAO,  
SQAE (Metals),  
MURADNAGAR-201 206.  
Distt. Ghaziabad (U.P.). ...Applicant

(By Advocate : Ms. Jyoti Singh, Sr. Advocate along with  
Shri Padma Kumar S.)

**Versus**

1. Union of India through the Secretary,  
Defence Production,  
Department of Defence Production,  
Ministry of Defence,  
Room No.136, South Block,  
New Delhi-110011.
2. Director General Quality Assurance,  
Directorate General of Quality Assurance,  
Department of Defence Production,  
Govt. of India, Ministry of Defence,  
Room No.308 – A, D-1 Wing,  
Sena Bhavan, New Delhi-110011.
3. Special Director General Quality Assurance,  
Directorate General of Quality Assurance,  
Department of Defence Production,  
Govt. of India, Ministry of Defence,  
Room No.34, 'H' Block, PO: Nirman Bhavan,  
New Delhi-110011.
4. Shri Hiranmoy Saphui,  
Dy. Director General,  
Directorate of Quality Assurance (Armaments),  
Department of Defence Production,  
Govt. of India, Ministry of Defence,  
'H' Block, DGQA HQ, PO Nirman Bhawan,  
New Delhi-110011. ...respondents

(By Advocate: Shri Hanu Bhaskar & Ms. Chinmayee  
Chandra

**O R D E R****Hon'ble Dr. B.K. Sinha, Member (A) :-**

The instant OA has been filed by the applicant praying for the following reliefs:-

- (i) Quash the Panel drawn for Promotion to the Grade of Additional Director General Quality Assurance in PB-4 of Rs.37,400-67,000/- with Grade Pay of Rs.10,000/- (SAG) in the DGQA Organization under Ministry of Defence for the vacancy year 2015-16, issued vide DGQA HQ New Delhi letter No.98377/Addl DG/2015-16/DGQA/Adm-6B dated 18.08.2015;
- (ii) Direct the respondent Nos.1 to 3 to constitute a Review DPC in respect of the post of Additional DGQA in Group-1 of DGQA Organization and place the applicant at Sr. No.6 of Extended Panel;
- (iii) Place the applicant above Respondents No.4,5 & 6 in the combined seniority list (eligibility list) [yet to be prepared by the Department], for promotion to the post of Additional DGQA in Group-1 of DGQA Organization, as per SRO 1, 2014;
- (iv) Direct the official Respondents to draw up the combined list of seniority in PScO grade; and
- (v) Pass such and other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. The facts of the case, in brief, are that the applicant belongs to Defence Quality Assurance Service (DQAS) Cadre of Group-A posts of various disciplines e.g. Engineering, Electronics, Armaments, General Stores and Textiles,

Chemistry, Instrumentations, Metallurgy and Military Explosives. The promotional hierarchy of the cadre is: Senior Scientific Officer-II (SSO-II) → Senior Scientific Officer-I (SS-I) → Principal Scientific Officer (PScO). The applicant was initially appointed as Sr. Scientific Officer-II and his comparison qua career progression with respondent Nos.4,5&6 is shown in the following Table:-

Details of joining/ promotions	Applicant (V K Sohal)	Respondent No.4 (H Saphui)	Respondent No.5 (A Anbarsan)	Respondent No.6 (Rajesh Srivastava )	Remarks
Discipline	Metallurgy	Armament	Armament	Gentex	
SSO-II	01.07.1991	--	01.07.1991	06.11.1991	Functional
SSO-I	10.07.1997	31.12.1993	04.02.1997	28.07.1997	Functional
PScO (Ordinary Grade)	31.10.2003	14.11.2003	14.11.2003	14.11.2003	Functional
PScO: NFSG	01.08.2006	01.05.2004	01.12.2004	01.12.2006	Non-functional
Date of completion of prescribed qualifying service for Promotion to the post of Addl DGQA	31.10.2011	14.11.2011	14.11.2011	14.11.2011	For promotion to the post of Addl DGQA, the applicant is Senior to Respondent No.4,5&6.

It is also an admitted fact that the seniority of officers belonging to DGQA Cadre is maintained discipline-wise till the post of PScO. Thereafter, the promotions to the post of Additional Director General Quality Assurance are to be

made vide two groups of disciplines in the following manner, as has been mentioned in para 4.11 of the OA:-

Group 1	Armament, General Stores and Textiles, Chemistry, Instrumentation, Metallurgy and Military Explosives
Group 2	Engineering and Electronics

3. It is the case of the applicant that promotions against these posts have been made after a gap of eight years without having drafted and finally published a combined seniority list within the groups of all disciplines to the vacant post of PScO. The learned counsel for applicant further emphasised that no seniority list has been prepared and yet promotions have been made thereby creating numerous anomalies. The applicant [(Metallurgy) discipline being senior to respondent No.4 (Armament) discipline] has not been empanelled whereas the later, despite being junior, has been empanelled. Making reference to the terms of Article 3(c) of SRO-I, the applicant submitted that the respondent Nos.1 to 3 considered the date of completion by the officer of the prescribed qualifying service as on 14.11.2011 as the eligibility criteria.

4. The applicant submits that this issue has already been considered to this effect by this Tribunal in OA No.1302/2010 - ***Sanjeev Kapur Vs. UOI & Ors.***, wherein

the respondents had been directed to prepare inter-se seniority/eligibility list of PScO of various disciplines constituting Group 'A' for promotion to the post of Director Grade-I taking into account the comprehensive provisions of relevant rules especially Schedule-1 and not merely the date of assumption of charge for the post of PScO, and the has been affirmed by the Hon'ble High Court of Delhi vide order dated 01.04.2013 in WP(C) 727/2012.

5. The respondents have filed their counter affidavit rebutting the averments made in the OA. The respondents submit that the DPC for promotion to the post of ADGQA for the year 2015-16 was held on 04.06.2015, wherein the following officers were considered:-

S. No .	Name of officer (S/Shri)	Disciplines	Date of PScO	Date of completion of the prescribed eligibility service	UPSC reference in which recommended for promotion to the grade of PScO
1.	P.Meena	Metallurgy	25.10.00	24.10.08	F.1/33(15)/2000-AP-3 dated 07.01.99
2.	Dr. RK Saxena	Gentex	02.11.00	01.11.08	F.1/33(15)/2000-AP-3 dated 11.08.00
3.	Dr C Nesamani	Military Explosive	13.05.02	12.05.10	F.1/33(43)/01/ AP-3 dated 27.12.01
4.	Rama Yadav	Gentex	24.03.03	07.04.11	F.1/33(43)/01/ AP-3 dated 19.12.02
5.	TK Mitra	Gentex	08.04.03	07.04.11	F.1/33(53)/2002-AP-3 dated 19.12.02
6.	Hiranmoy Saphu	Armament	14.11.03	13.11.11	F.1/33(53)/2002-AP-3 dated

					19.12.02
7.	A Anbarasan	Armament	14.11.03	13.11.11	F.1/33(33)/03 -AP-3 dated 26.08.03
8.	Rajesh Srivastava	Gentex	14.11.03	13.11.11	F.1/33(33)/03 -AP-3 dated 26.08.03
9.	P Chakraborty*	Metallurgy	10.12.05	09.12.11	F.1/33(33)/03 -AP-3 dated 26.08.03
10.	VK Sohal	Metallurgy	31.10.03	30.10.11	F.1/33(33)/03 -AP-3 dated 26.08.03

\* *Sh. P Chakraborty is senior to Sh. VK Sohal in Metallurgy discipline.*

The UPSC recommended the names of Sh. V K Sohal in (Metallurgy), DR RK Saxena (Gentex) and Dr. C. Nesamani (Military Explosive) in main panel and names of Sh Rama Yadav (Gentex), Sh T. K. Mitra (Gentex) and Sh Hiranmoy Saphui (Armament) in the extended panel (Ann-A). Accordingly, the panel for promotion was issued on 18 Aug 2015 (Ann-B) on the recommendation of UPSC.

6. The respondents further submitted that a draft seniority list had been published and all the officers including the applicant had been given an opportunity to participate in the process of finalization of seniority list. The applicant had not raised any objection to the draft seniority list published. It is further submitted by the respondents that as per Rule 7(3)(c), the eligibility list for promotion was to be prepared with reference to the date of completion by the officers of the prescribed qualifying service and with due regard to the inter-se seniority in the respective disciplines.

Also the supersession in matter of 'selection' (merit) promotion at any level is not allowed as per existing DOP&T OM No. F. No. 35034/7/97-Estt (D) dated 08 Feb 2002 (Ann-F) regarding revised guidelines on procedure to be observed by DPCs.

7. It is a fact that Sh P. Chakraborty, PScO (NFSG) is senior to the applicant in metallurgy discipline i.e in his own discipline. Accordingly, the eligibility list for the post of ADGQA was prepared considering the inter-se seniority of eligible senior most officers of various disciplines. Respondent nos. 4, 5 and 6 were placed above Sh. P Chakraborty and the applicant in the eligibility list as they were senior to Sh P Chakraborty as per prescribed eligibility criteria in DQAS Rules, 2014.

8. The discipline-wise seniority list of PScO and PScO(NFSG) was circulated vide letter No. 85670/SP Roll/PScO/DGQA/Adm-6B dated 12 Jun 2014 through respective Technical Directorates but the applicant never represented about his inter-se seniority with Sh P Chakraborty through his discipline. The learned counsel for the respondents contends that the combined seniority list of feeder cadre i.e PScO of various disciplines for promotion to the post of ADGQA (06) post) is not prepared as there is no provision for the same in the DQAS Rules 2014. The

eligibility list for promotion to the post of ADGQA is prepared taking into account the officers falling in zone of consideration with reference to the date of completion by the officers of the prescribed qualifying service and with due regard to their *inter se* seniority in their respective disciplines for consideration by DPC only. Since the DPC for the vacancy year 2015-16 conducted as per the DQAS Rules 2014 and DOP&T guidelines which were in vogue are, thus, in order. The respondents have, therefore, submitted that there is nothing irregular that has been done by them and the respondent No.4 being senior to the applicant in all respects is rightly promoted in place of the applicant.

9. The applicant has referred to the minutes of the meeting of the DPC communicated vide letter No.1/33(24)/2015-AP-3 dated 04.06.2015 as also to the order in **Sanjeev Kapur's** case in WP(C) 727/2012 (supra) where direction has been given by Hon'ble High Court to the respondents to refrain from preparing an integrated list where posts are allocated to different streams of PScO. The applicant has also filed the rejoinder application reiterating his stand in para 2.3 and 2.4, which read thus:-

“2.3 Sh. P. Chakraborty (Metallurgy), senior to the applicant in Metallurgy discipline did not join the post of PScO within the permissible period of one month, and the department also did not consider his case for antedating him with respect to

his immediate junior i.e. applicant (Metallurgy), like respondent no.5. It is therefore clear case of missed opportunity by Sh. P. Chakraborty or a deliberate act on the part of Respondent no.3 to give undue advantages to Respondents No.4,5&6. Hence, on this ground the applicant cannot be denied his right to gain seniority for promotion to the post of Addl DGQA.

2.4 That the applicant is senior to respondent no.4,5&6, as per the norms of completion of prescribed qualifying service by the officers, as given in SRO-1, 2014. For maintaining inter-se seniority in a discipline, the senior in any discipline, in case of merit, is antedated with respect of his immediate junior and is placed above him. Hence, in all cases the placement of applicant should be above respondent no.4,5&6, irrespective of Sh. P. Chakraborty having been antedated with reference to the applicant or otherwise.

The applicant has also cited the precedence of similar cases in Group-1 which is tabulated below:-

S. No.	Name of Officer	Discipline	Date of becoming PScO	Date of completion of prescribed eligibility service	UPSC reference for promotion to the post of PScO
1.	R.K.Mittal	Military Explosive	26.11.87	27.11.1995	F.1/33A(14)/87-AU7 dated 27.05.87
2.	V.K. Thakral	Armament	23.09.87	24.09.95	F.1/33a(4)/87- AU7 dated 26.08.87

11. We have carefully perused the pleadings and patiently heard the learned counsels for the parties. The only issue to be considered to our understanding is that whether an

integrated list of eligibility is required to be prepared in respect of the officers above the rank of PScO or not?.

12. To adjudicate the issue framed, it shall be necessary to extract Section 7 of the Defence Quality Assurance Rules, 2014 which provides that vacant duty post in any of the grades of the service, on and after commencement of these rules, shall be filled in the manner provided in Schedule I. Rule 7 and 8 of the said rules reads as under:-

**“7. Future maintenance of service:-** (1) The vacant duty posts in any of the grades of the service, on and after commencement of these rules, shall be filled in the manner provided in Schedule-I.

(2) (a) For the purpose of promotion to various grades of the service, the select list shall be prepared discipline wise in accordance with the general orders or instructions issued by the government from time to time. The composition of the Departmental Promotion Committee for considering promotion shall be as specified in Schedule-II.

Provided where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors shall also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less, and have successfully completed their probation period, for promotion to the next higher grade, along with their juniors who have already completed such qualifying/eligibility service.

(b) The appointment to the posts of Principal Scientific Officer (Non Functional Selection Grade) shall be made discipline-wise on the basis of the recommendations of the Screening Committee the composition of which shall be as specified in Schedule II.

(3) (a) The quotas for direct recruitment and departmental promotion shall be worked out discipline-wise.

(b) The posts in the grade of Director Grade-I shall be distributed to distinct groups of disciplines, as may be decided by the Government from time to time, and promotion to these posts shall accordingly be made from amongst eligible officers of the concerned group.

(c) The eligibility list for promotion shall be prepared with reference to the date of completion by the officers of the prescribed qualifying service and with due regard to the inter- se seniority in the respective disciplines.

(4) The educational qualifications and age-limit for appointment to posts of Senior Scientific Officer Grade-II through the Commission by direct recruitment shall be as specified in Schedule III.

(5) Every duty post, unless declared to be excluded from the service or held in abeyance for any reasons, shall ordinarily be held by an officer of the appropriate grade of the service.

(6) Such of the functional posts of Senior Quality Assurance Officer, Joint Controller, Director, Additional Controller, Controller and Deputy Director General in the Directorate General of Quality Assurance Organisation, as may be earmarked by the Government from time to time for being held by members of the service, shall be from amongst officers of the level of Non-Functional Selection Grade of the Service, on the basis of the recommendations of a Placement Committee constituted for the purpose.

(7) Appointments to various grades of the Service shall be made in consultation with the Commission to the extent necessary in accordance with the general instructions issued by the Government from time to time.

8. Seniority. -(1) The relative seniority of members of the Service on commencement of these rules shall be the relative seniority in their respective grades as determined before commencement of these rules;

Provided that if the seniority of any member of the Service had not been specifically determined before commencement of these rules, it shall be determined by the Government.

(2) The seniority of persons appointed to various grades of the Service after commencement of these rules shall be determined in accordance with the general orders or instructions issued by the Government from time to time.

(3) The seniority of officers in the grades of Principal Scientific Officer (Non-functional Selection Grade II), Principal Scientific Officer (Ordinary Grade), Senior Scientific Officer Grade-I and Senior Scientific Officer Grade-II shall be maintained discipline wise.”

Schedule-I of the rules provides in respect of the post of Additional Director General, Quality Assurance (Senior Administrative Grade) in the following manner:-

Sl. No.	Name of posts, pay band And grade pay or pay scale	Number of posts	Method of recruitment	Grade from which promotion is permissible and the minimum eligibility period prescribed.
2.	Additional Director General Quality Assurance (Senior Administrative Grade) Pay Band-4 Rs.37400/-67000 plus Grade Pay of Rs.10000	6	By promotion on the basis of selection	Officers in the Junior Administrative Grade (Principal Scientific Officers) with eight years' regular service in the grade including service, if any, in the Non-functional selection grade, failing which officers with seventeen years.

From the above, the following are to be inferred:-

- (i) That upto the rank of PScO SAG, the seniority list of the officers is to be maintained discipline-wise;
- (ii) The post of ADGQA may be distributed by the Government to different groups;
- (iii) The vacant posts so distributed are to be filled up from the list of eligible officers with due regard to the *inter se* seniority;
- (iv) The seniority of officers is to be reckoned discipline-wise only upto the grades of PScO (Ordinary Grade);
- (v) The relative seniority of the officers before the commencement of these rules i.e. before 20.01.2014 will be from relative seniority in that grade; and
- (vi) The seniority of that grade to be determined according to the general instructions.

13. Now, we are to take up the position as enunciated in **Sanjeev Kapur Vs. UOI & Ors.** (supra). For the sake of greater clarity, we place the relief prayed for in the above case and in the instant case for a comparative statement:-

<b>OA No.1302/2010</b>	<b>OA No.4511/2015</b>
(a) Declare the action of the respondents as illegal, unjust and arbitrary for preparing the <i>inter</i> seniority/eligibility list of PSCOs of various disciplines constituting	(i) Quash the Panel drawn for Promotion to the Grade of Additional Director General Quality Assurance in PB-4 of Rs.37,400- 67,000/- with Grade

<p>Group-1 for promotion to the post of Director Grade-1 on the basis of their assumption of charge to the post of PScOs and not as per length of service as provided in SRO-287 and merit prepared by the UPSC.</p> <p>(b) Quash and set aside the impugned order dated 18/05/2009 declaring as illegal, arbitrary, against the rules and judicial pronouncements on the subject.</p> <p>(c) Direct the Respondents to prepare the inter seniority/eligibility list of PSCOs of various disciplines constituting Group-1 for promotion to Director Grade-1 on the basis of length of service as provided in SRO-287 and merit prepared by the UPSC and not as per the date of their assumption of charge to the post of PSCO and consequently, the applicant may be granted seniority over private respondents i.e. S/Shri Anil Garg &amp; UV Dasgupta with all consequential benefits, since the applicant has longer length of service in the feeder grade and longer qualifying service by virtue of completing minimum eligibility period as provided in SRO-287 much earlier than private respondents for promotion to post of Director Grade-1.</p> <p>(d) Pass an order directing</p>	<p>Pay of Rs.10,000/- (SAG) in the DGQA Organization under Ministry of Defence for the vacancy year 2015-16, issued vide DGQA HQ New Delhi letter No.98377/Addl DG/2015-16/DGQA/Adm-6B dated 18.08.2015;</p> <p>(ii) Direct the respondent Nos.1 to 3 to constitute a Review DPC in respect of the post of Additional DGQA in Group-1 of DGQA Organization and place the applicant at Sr. No.6 of Extended Panel;</p> <p>(iii) Place the applicant above Respondents No.4,5 &amp; 6 in the combined seniority list (eligibility list) [yet to be prepared by the Department], for promotion to the post of Additional DGQA in Group-1 of DGQA Organization, as per SRO 1, 2014;</p> <p>(iv) Direct the official Respondents to draw up the combined list of seniority in PScO grade; and</p> <p>(v) Pass such and other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."</p>
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<p>the respondents UPSC to revise the panel for promotion to the post of Director Grade-1 as per revised seniority list.</p> <p>(e) Any other relief as may be deemed just and proper in the facts and circumstances of the case.</p> <p><b>Interim relief:</b></p> <p>(a) Direct the respondents to consider the name of the applicant alongwith others in the DPC likely to be held in May/June 2010 for the post of Special Director General Quality Assurance (Spl DGAQ) provisionally and keep the result of the DPC in sealed cover.</p> <p>(b) Any other order as may be deemed just and proper in the facts and circumstances of the case.”</p>	
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The Tribunal in **Sanjeev Kapur Vs. UOI & Ors.** (supra) conclusively ruled out that the date of joining in the feeder post could not be the basis to determine length of service. The Tribunal in para 9 and 10 of the order held as under:-

“9. Having carefully considered the respective submissions of the learned counsel and the

material before us, the following aspects are found to be relevant.

9.1 The relevant Rules are Defence Quality Assurance Service Rules, 2000 notified by SRO 287 dated 15.11.2000 in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India. Rule 6 pertains to the future maintenance of the service for various grades. Sub rule 3(b) pertaining to the Director Grade I post runs as under:

“6(3)(b). The posts in the grade of Director Grade-1 shall be distributed to distinct groups of disciplines, as may be decided by the Government from time to time and promotion to these posts, shall accordingly be made from amongst eligible officers of the concerned group.

Note: The eligibility list for promotion shall be prepared with reference to the date of completion by the officers of the prescribed qualifying service and with due regard to the inter-se-seniority in the respective disciplines.”

9.2 Schedule-1 prescribes method of recruitment, eligibility service and other conditions for promotion from one grade to another. Serial No.2 pertains to Director Grade-1 post. The relevant extracts are as below:

S.No.	Name of post and scale of pay	No. Of posts	Method of recruitment	Grade from which promotion is permissible and the minimum eligibility period prescribed.
1	2	3	4	5
2	Director Grade I (Senior Administrative Grade) (Rs.18400-500-22400)	2	By promotion on the basis of selection by merit.	Officers of the Junior Administrative Grade (Principal) Scientific Officer) with

				eight years regular service in the grade including service, if any, in the Non Functional Selection Grade or with seventeen years regular service in Group 'A' posts out of which at least four years' regular service should be in the Junior Administrative Grade.
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9.3As we note from Rule 6 (3) (b), its explanatory note specifies about the eligibility list for promotion to be prepared, *inter alia*, with due regard to inter-se-seniority in the respective disciplines. The relevant provision of Schedule-1, being relied upon by the respondents, refers to the grade from which promotion is permissible and the minimum eligibility period prescribed, This is evident from the specific Col.5 of this Schedule. Eventually there is no explicit provision regarding preparation of a common seniority list; considering that promotions to the post of Director Grade-1 are from several streams it follows naturally that the date of joining in the feeder post, i.e. PScO cannot be the basis to determine the length of service. This is all the more so when the number of vacancies are extremely limited and the joining in the particular post can vary due to various administrative factors, as in the present case.

Under these circumstances, the stand of the respondents, considering the date of assumption of charge to the post of PScO does not seem to be reasonable criteria. Further the alternative criteria prescribed for considering the regular service in the Group 'A' posts stands excluded. It is in this context that the submission of the applicant needs to be viewed for providing a level playing field between officers of various disciplines. The minimum prescribed regular service in Group 'A' post out of which 4 years should be in JAG needs consideration.

10. Accordingly finding the contention in the OA as justified, we set aside the impugned order dated 18.05.2009 and partly allow this OA with a direction to the respondents to prepare inter seniority/eligibility of PScO of various disciplines constituting Group 'A' for promotion to the post of Director Grade-1, taking into account the comprehensive provision of relevant rules especially Schedule-1 and not merely the date of assumption of charge to the post of PScO. Needless to say, on preparation of the list, the matter regarding the claim of the applicant for due consideration and promotion to the post of PScO is to be considered in accordance with law. This exercise is to be carried out within a period of three months from the date of posting of copy of this order.

OA is allowed partly in terms of the above directions. There shall be no order as to costs."

14. The Hon'ble High Court endorsed the view of the Tribunal in OA No.1302/2010 that seniority based on fortuitous circumstance of a person involved in

promotion in discipline would be released by the service by the office where he is working would be most arbitrary. The eligibility condition for promotion under the recruitment as seen above to the grade of Director Grade-I is eight years of regular service in PScO. The Court has also observed that:-

“16. There is an apparent hiatus between Rule 6(3)(b), the Note thereunder and the Schedule. Rule 6(3)(b) clearly envisages posts in the grade of Director Grade-I to be distributed to distinct groups of discipline, meaning thereby the posts of Director Grade-I have to be allocated to the different disciplines. And if this be so, there would be no occasion to integrate the seniority of all Principal Scientific Officers. And yet the Note under Rule (3) (b), which Rule requires distribution of the posts in the different disciplines, talks about the eligibility list for promotion with due regard to the inter-se seniority in the respective discipline.”

15. We are swayed by the fact that the Hon’ble High Court noted that Rule 3(b) required distribution of posts under different disciplines and the eligibility list of promotion with due regard per inter seniority per discipline. It involves “either” or “or” situation where the posts get distributed to different disciplines, a combined seniority list is not required to be prepared. The Hon’ble High Court has resolved this duality by holding that Schedule-I to the said rules provides that the post of DG-I has to be filled up from amongst all

eligible PScOs irrespective of their disciplines requiring at the aforesaid level and integrity list has to be maintained.

16. We are not to lose sight of the fact that integration is a messy affair and it requires the draft seniority list to be drawn, objections invited and finally published. In para 20 of the order, the Hon'ble High Court has given a choice to the respondents that either they maintain an integrated seniority list from all streams or groups of schemes or distribute the posts of Director Grade-I to different disciplines.

17. During the course of the oral submissions, the learned counsel for the respondents drew our attention to a list at Annexure-'C' of their counter reply. However, the same integrated seniority list has to be framed differently and objections invited from the persons involved on the basis of which it has to be finally published.

18. In view of the aforementioned discussions, we are of the considered opinion that no combined/eligibility seniority list has been drawn up by the respondents above the rank of PScO for promotion to the post of Director-I. It was also fairly conceded by the learned counsel that discipline-wise allocation of earmarking of the post of Director had also not taken place. It is also seen that this Tribunal had directed

for preparation of combined seniority list/eligibility list within a period of three months and that order of the Tribunal stands modified by the order of the Hon'ble High Court which has given choice to the respondents to prepare either a combined seniority list of all officers above the rank of PScO for promotion to Director Grade-I or to allocate the posts to different disciplines. In this respect the order of the Hon'ble High Court in WP(C) No.727/2012 remains by and large unfulfilled.

19. In totality of facts and circumstances of the case, we allow the instant OA with the following directives:-

- (i) The panel drawn for promotion to the Grade of Additional Director General Quality Assurance in PB-4 of Rs.37,400-67,000/- with Grade Pay of Rs.10,000/- (SAG) in the DGQA Organization under Ministry of Defence for the vacancy year 2015-16, issued vide DGQA HQ New Delhi letter No.98377/Add1 DG/2015-16/DGQA/Adm-6B dated 18.08.2015 is quashed and set aside;
- (ii) The respondents are directed to prepare an integrated seniority list under due process within a period of three months and finally publish the same under due process;

(iii) Depending on the case that the applicant is placed above respondent Nos.4, 5 & 6, a review DPC be held for consideration of applicant's claim;

(iv) There shall be no order as to costs.

(Dr. B.K. Sinha)  
Member (A)

(A.K. Bhardwaj)  
Member (J)

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