

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 3898/2018
M.A No. 4338/2018**

This the 12th day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Shri T. J. Singh (67 years)- Group 'A'
Under Secretary (Retd)
S/o. Late Shri G. B. Singh,
R/o. C-515, Divyajyoti Apartment,
Sector-19, Rohini,
Delhi – 110 089.

2. Shri Ashok Kumar, (63 years)- Group 'A'
Deputy Secretary (Retd)
S/o. Late Shri Nand Lal,
R/o. Flat No. 91, Suruchi Apartment,
Sector-10, Dwarka,
New Delhi – 110 075.

3. Shri A. K. Srivastava, (60 years)- Group 'A'
Deputy Secretary (Retd)
S/o. Shri T. C. Srivastava,
R/o. 306, Patrakar Parisar,
Sector-5, Vasundhara,
Ghaziabad-201 012.Applicants

(By Advocate : Mr. A. K. Srivastava)

Versus

1. Union of India
Through the Secretary,
M/o. Personnel P. G. & Pensions,
D/o. Personnel & Training,
North Block, New Delhi.

2. Secretary,
Union Public Service Commission,
Dhaulpur House,
Shahjahan Road,
New Delhi.Respondents

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The applicants retired from Central Secretariat Service from the post of Under Secretary. Their promotion was on the basis of the select list prepared for the year 2006. It is stated that there was some dispute as to the correctness of the select list of various years for the contemporary period and a detailed order dated 06.11.2012 was issued by the DoP&T stating that the review of the select list for the years 2003 to 2008 would be considered after the litigation arisen out of the order of this Tribunal in O.A 3278/2010 dated 09.05.2011 assumes finality. This O.A is filed with a prayer to direct the respondents to prepare a fresh select list for the concerned period and to extend the benefits to them.

2. We heard Mr. A. K. Srivastava, learned counsel for applicants and perused the records in detail. The applicants got the benefit of promotion on the basis of the select list of the year 2006. However, they expected one more level of promotion in case the select list is revised.

3. The respondents passed a detailed order on 06.11.2012 narrating the history of preparing the select list and ultimately observed as under :-

“NOW, THEREFORE, keeping in view of the advice of Department of Legal Affairs, review of USSLs 2003-2008 during the pendency of litigation relating the USSL-2003 is not possible at this juncture. The issue of review of USSLs will be considered at an appropriate time when the litigation arising out of CAT’s order dated 9.5.2011 has attained finality. Accordingly, the representation dated 27.04.2012 of Shri. A. K. Srivastava is disposed off.”

4. In the meanwhile, the applicants retired from service. The learned counsel for applicants is not able to point out whether the litigation mentioned therein has attained finality. Further, the applicants did not make any representation after 2012 requesting the respondents either to revise the seniority list or to extend the benefit, in case the revision has already taken place. In this uncertain stage of affairs, we find it difficult to grant any relief to the applicants.

5. We, therefore, dispose of the O.A leaving it open to the applicants to make representation to the respondents for extension of necessary benefits duly furnishing the particulars of their claim. As and when such representation is made, the respondents shall pass an appropriate order

and communicate the same to the applicants within three months. There shall be no order as to costs.

6. The M.A pending, if any, shall also stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/