

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00177/2018

DATED THIS THE 10TH DAY OF SEPTEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

T. Rajah Balaji,
Superintendent of Police,
Central Bureau of Investigation,
Bank Securities Fraud Cell,
II-Floor, CBI Complex,
36, Bellary Road,
Bengaluru – 560 032

.....Applicant

(By Advocate Shri N.G. Phadke)

Vs.

1. Union of India
Ministry of Personnel, Public
Grievances and Pensions,

Department of Personnel and Training,
Government of India,
North Block,
New Delhi – 110 001
Represented by its Secretary

2. Central Bureau of Investigation
11th Floor, CBI Headquarters,
Block 5-B, CGO Complex,
Lodhi Road,
New Delhi – 110 003,
Represented by its Director

3. Union Public Service Commission
Dholpur House,
Shah Jahan Marg,
New Delhi – 110 001
Represented by its Secretary

....Respondents

(By Shri V.N. Holla, Counsel for Respondent, No. 1&2 and
Shri Zulfikar Kumar Shafi, Counsel for Respondent No.3)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

MA No. 170/00412/2018 permission to file reply is allowed. Reply accepted.

2. Heard both the counsels in great detail. The crux of the matter is that following Parmar's judgment and the Hon'ble High Court of Delhi judgment and the order in the review what is to be the fate of Annexure-A3. It appears that Annexure-A3 is now sought to be re-modulated by the respondents but unfortunately without giving an opportunity of being heard to all those people

who had acquired a right under Annexure-A3. This they cannot do. But at the same time the persons who are adversely affected by Annexure-A3 also have a right to be heard. So we will now temporarily restore Annexure-A3. There will be a mandate to the respondents to issue showcause notice to all those who are either positively or negatively affected by Annexure-A3 and within the next 3 months' time re-modulate it in accordance with the Hon'ble Apex Court judgment and the Hon'ble Delhi High Court judgment and, if so applicable, other judgments of Hon'ble Apex Court and other Hon'ble High Courts as well. This they may do so within 3 months next. This 3 months' stipulation is firm and definite. Since the matter had been engaging the attention of the respondents and various Courts all these time there must be a finality to it. Within the 3 months' time all what is necessary must be done including hearing the persons who are affected by Annexure-A3 order.

3. At this point of time Shri V.N. Holla, learned counsel for Respondent No.1&2, makes a submission that when a notice is issued to all those who are affected the persons concerned must reply within one week's time. It is a reasonable request. Time is of essence in this matter. That they shall do so. The respondents need give only one week's time but then they shall take care to issue notice to everyone concerned individually.

4. The OA is disposed off with above directions. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00177/2018

Annexure A1 Copy of the order dated 01.07.2010 of the Principal Bench, New Delhi in O.A. No. 1281/2000

Annexure A2 Copy of the order dated 22.05.2015 of the Hon'ble High Court in Review Petition No. 566/2014

Annexure A3 Copy of the order dated 07.11.2016 issued by CBI for a revised seniority list

Annexure A4 Copy of the revised seniority list of Additional Superintendents of Police

Annexure A5 Copy of the letter dated 21.06.2017 from Ministry of Personnel to UPSC as to convening of Review DPC for promotion from ASP to SP

Annexure A6 Copy of the letter dated 02.08.2017 from CBI to R2

Annexure A7 Copy of the reference from R1 to the Establishment Division on 03.08.2017 and a true copy of the note dated 19.08.2017

Annexure A8 Copy of the noting dated 31.08.2017 of R1 and the advice dated 31.08.2017 from the Establishment Division

Annexure A9 Copy of the letter dated 20.09.2017 from CBI/R2 to the Ministry/R1

Annexure A10 Copy of the letter dated 23.10.2017 from R1 to R2

Annexure A11 Copy of the noting dated 27.10.2017 of R1 and letter dated 06.11.2017 of R1 to R2

Annexure A12 Copy of the impugned order dated 17.11.2017 issued by CBI

Annexure A13 Copy of the representation dated 27.11.2017 of the applicant

Annexure A14 Copy of the representation dated 09.12.2017 of the applicant

Annexure A15 Copy of the office order No. 1900/2013 dated 14.11.2013 issued by CBI

Annexures with reply statement

Annexure R1 Copy of the RR dated 31.01.2017

Annexure R2 Copy of the UPSC letter dated 29.03.1990

Annexure R3 Copy of the DoPT letter dated 09.11.1993

Annexure R4 Copy of the Central Administrative Tribunal, Principal Bench order dated 01.07.2010 in O.A. No. 1281/2000

Annexure R5 Copy of the DoPT order dated 04.03.2017

Annexure R6 Copy of the CBI OO No. 440/2017

Annexure R10 Copy of the DoPT advice dated 25.08.2017

Annexure R11 Copy of the DoPT letter dated 31.08.2017

Annexure R12 Copy of the DoPT communication dated 20.09.2017

Annexure R13 Copy of the DoPT communication dated 18.10.2017

Annexure R14 Copy of the DoPT letter dated 06.11.2017

* * * * *