

**Central Administrative Tribunal
Principal Bench**

OA No.1936/2015

New Delhi, this the 1st day of April, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Mohd. Jamshed, Member (A)**

1. All India NIC S & T Officer's Association
Located at NIC (Head Quarters) A Block
CGO Complex, Lodhi Road
New Delhi - 110003
through the General Secretary
2. Mrs. Rachna Srivastava W/o Shri V.K. Nigam
Aged about 49 years, General Secretary
All India NIC S & T Officer's Association
Sr. Technical Director (STD) posted
at NIC (Head Quarters)
New Delhi-110003. ...Applicants

(By Advocate: None)

Versus

1. The Secretary
Department of Electronics and Information
Technology
Ministry of Communications and Information
Technology Electronics Niketan, CGO Complex
Lodhi Road, New Delhi-3.
2. Union of India through the Secretary
Department of Personnel and Training (DOPT)
Ministry of Personnel, Public Grievances
And Pension, North Block,
New Delhi-1.
3. The Director-General
National Informatics Center
A-Block, CGO Complex,
Lodhi Road, New Delhi-3. ...Respondents

(By Advocate: Shri R.K. Jain)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

This OA is filed claiming relief of antedating and grant of in situ promotions to all the members of the applicant Association from the date of eligibility of the respective members. A comparison is made with about 150 officers who are said to have been granted such relief in view of the law laid down by the Supreme Court in ***S.K. Murti***, Special Leave to Appeal (Civil) No.13133/2011, decided on 02.05.2011.

2. At one stage, the OA was allowed on 25.05.2015. Aggrieved by that the respondents filed Writ Petition No. 46/2016. It was allowed on 08.01.2016 mainly on the ground that the respondents were not put on notice before the OA was allowed.

3. The matter was taken up for hearing after it was remanded back by the High Court for disposal. On 16.11.2016, the OA was adjourned *sine die* on account of the fact that the issue involved in this OA is *sub judice* before the Hon'ble Supreme Court in a batch of SLPs.

4. Today, it is represented that the Civil Appeal No.6359/2016 – ***Union of India and Ors. vs. Vinay Kumar*** and batch wherein identical issue is involved, is scheduled to be heard by the Hon'ble Supreme Court in the near future.

5. We, therefore, dispose of the OA, leaving it open to the applicants to pursue the remedies depending upon the outcome of the Civil Appeal No.6359/2016. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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