

**Central Administrative Tribunal
Principal Bench
New Delhi**

**OA No. 799/2018
MA Nos.867, 1546 & 1547/2018**

**Reserved on: 04.12.2018
Pronounced on : 20.12.2018**

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

Vijay Raj Anand (44 years Group A)
Assistant Director (Ballistics),
Forensic Science Laboratory,
Government of NCT of Delhi,
Madhuban Chown, Rohini,
Delhi-85.

... Applicant

(By Mr. O. P. Gehlaut, Advocate)

Versus

1. Government of NCT of Delhi
through its Chief Secretary,
Delhi Government Secretariat,
I.P.Estate, New Delhi-110001.
2. Sh Sri Narain,
Asstt. Director (Chemistry),
Forensic Science Laboratory,
Government of NCT of Delhi,
Madhuban Chown, Rohini,
Delhi-85.
3. Sh. Amar Pal Singh,
Assistant Director (Chemistry),
Regional Forensic Science Laboratory,
Government of NCT of Delhi,
Yashwant Place, Chanakya Puri,
New Delhi.

4. Sh. Sanjeev Kumar Gupta,
Assistant Director (Photo),
Forensic Science Laboratory,
Government of NCT of Delhi,
Madhuban Chown, Rohini,
Delhi-85.

... Respondents

(By Ms. Harvinder Oberoi for Respondent No.1; Mr. S. Vallinayagam for Respondents 2 to 4, Advocates)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant was appointed as Senior Scientific Officer (SSO) in the Forensic Science Laboratory (FSL) of the Government of NCT of Delhi, by way of direct recruitment. Thereafter, he was promoted to the post of Assistant Director. Next promotion is to the post of Deputy Director. In the context of making promotion to the post of Deputy Director, the respondents prepared a final combined eligibility list of Assistant Directors, through proceedings dated 27.12.2017. The name of the applicant figured at serial number 15 therein.

2. The applicant contends that the 1st respondent has wrongfully placed respondents 2, 3 and 4 at serial numbers 11, 12 and 14 in the list, above him. He contends that his appointment as SSO by way of direct recruitment was through an order, which was passed earlier in point of time, compared

to the orders of appointment of respondents 2 to 4. He has placed reliance upon certain office memoranda in support of his contention.

3. The 1st respondent filed counter affidavit opposing the OA. It is stated that the eligibility list was prepared on the basis of seniority in the posts of SSO, and not only the methods of appointment, but also the nature of posts are totally different for various persons. It is stated that once the source is not the same, the applicant cannot draw comparison with respondents 2 to 4, and since their orders of promotion/appointment are earlier in point in time, the applicant cannot have any grievance.

4. We heard Shri O. P. Gehlaut, learned counsel for the applicant, and Ms. Harvinder Oberoi for respondent No.1, and Shri S. Vallinayagam, learned counsel for respondents 2 to 4.

5. The final combined eligibility list of Assistant Directors dated 27.12.2017 is under challenge. The FSL had several specializations at the level of SSO itself. They are SSO (Physics), SSO (Chemistry), SSO (Documentation), SSO (Photography), SSO (Ballistics), SSO (Biology), etc. The applicant was appointed as SSO (Ballistics) on being selected by

the UPSC, and he joined the post on 01.09.2006. The 4th respondent was also appointed as SSO through direct recruitment. However, his specialization is Photography, and he joined on 29.06.2006, about two months earlier to the applicant. Respondents 2 and 3 were appointed as SSOs (Chemistry) on promotion on 25.05.2006.

6. From the point of view of assumption of office, the applicant is last to join the post of SSO. The principle enunciated in various office memoranda, or the precedents that the date of the proceedings issued by the UPSC can be applied, if only the selection and appointments are in respect of the same post, and referable to same batch. When the specializations and branches are different, and the timing is dissimilar, it becomes difficult to draw any comparison. Obviously for that reason, the respondents did not prepare any 'combined seniority list', and have chosen to bring about a 'combined eligibility list'. If seniority list is to be prepared, it is required to be separately for each specialization. A combined seniority list would emerge only with interpolation of the incumbents, by adopting certain criteria.

7. The applicant and the respondents 2 to 4 were promoted to the post of Assistant Director on the same day, i.e., 27.02.2012. The 1st respondent has chosen to be guided by the date on which the incumbents have joined the post of SSO, i.e., the feeder category of Assistant Director. We do not find any legal infirmity therein, in view of the facts mentioned above.

8. The OA is accordingly dismissed. There shall be no order as to costs.

9. Pending MAs, if any, also stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/