

**Central Administrative Tribunal
Principal Bench**

OA No.538/2019

New Delhi, this the 6th day of March, 2019

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

1. Sh. S.K. Sajwan, Group A,
Aged 56 years approx.,
S/o late Sh. S.S. Sajwan,
Joint Area Organizer, SSB

Presently on deputation:
Cabinet Secretariat, New Delhi.
2. Bimal Kumar Roy, Group A,
Aged 58 years approx.,
S/o late Sh. Dharma Nath Roy,
Presently posted as:-
Joint Area Organizer, SSB,
Sector Head Quarters,
Jalpaiguri, West Bengal.
3. L.P. Nautiyal, Group A,
Aged 59 years approx.,
S/o late Sh. B.P. Nautiyal,
Presently posted as:-
Joint Area Organizer,
SHQ, SSB, Pilibhit,
Uttar Pradesh (UP).
4. Bhupendra Chandra Joshi, Group A,
Aged 54 years approx.,
S/o late Sh. C.B. Joshi,
Presently posted as:-
Joint Area Organizer,
Frontier Head Quarters, SSB,
Ranikhet, Uttarakhand.
5. Kaushik Kumar Mitra, Group A,
Aged 52 years approx.,
S/o late Sh. J. Mitra,

Presently posted as:-
 Joint Area Organizer,
 Office of Area Organizer,
 SSB, Bathnaha, Distt. Araria, Bihar.

6. Amrita Mitra, Group A,
 Aged 54 years approx.,
 D/o late Tushar Kanti Ghosh,
 Presently posted as:-
 Joint Area Organizer,
 Office of DIG, SHQ, SSB Purnia,
 DRDA Building, Kala Bhawan Road,
 PO & Distt. Purnia, Pin-854301, Bihar.
 7. Kiran Rizal, Group A,
 Aged 52 years approx.,
 S/o Sh. B.B. Rizal,
 Presently posted as:-
 Joint Area Organizer,
 Frontier Head Quarters,
 SSB, Siliguri, Assam.
 8. Shuvendu Saha, Group A,
 Aged 52 years approx.,
 S/o Sh. Nirendra Nath Saha,
 Presently posted as:-
 Joint Area Organizer,
 Frontier Head Quarters,
 SSB, Siliguri, Assam.
 9. Tsering Dorjee, Group A,
 Aged 57 years approx.,
 S/o late Sh. Langa,
 Presently posted as:-
 Joint Area Organizer,
 Office of SHQ, SSB, Bomdila,
 Andhra Pradesh.
- ... Applicants

(By Advocate: Shri Rajesh Katyal)

Versus

1. Union of India,
 Through Secretary,
 Ministry of Home Affairs,
 North Block, New Delhi.

2. The Director General,
Sashastra Seema Bal (SSB),
Force Head Quarters,
East Block-V, R.K. Puram,
New Delhi-110066. ...Respondents

(By Advocates: Shri Sandeep Tyagi)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicants were employed in the Sashastra Seema Bal (SSB for short), the second respondent herein. As of now, they are holding the posts of Joint Area Organiser. The promotion from that post is to the one of Area Organiser (AO for short). The applicants contend that though they became eligible to be promoted to the post and adequate vacancies are available in the post of AO, the respondents are not holding the DPC and on the other hand, efforts are being made to transfer them *en bloc* to the Intelligence Bureau (IB for short).

2. This OA is filed with a prayer to direct the respondents to consider their cases for promotion to the post of AO before 20.02.2019 and to defer further steps

in pursuance of the order dated 04.12.2018 and 15.01.2019 regarding transfer of the posts to the IB.

3. We heard Shri Rajesh Katyal, learned counsel for the applicant and Shri Sandeep Tyagi, learned counsel for the respondents.

4. The applicants were holding non-combatant posts in the SSB. The Govt. of India has taken a policy decision to transfer all the non combatant posts together with the incumbents, to the IB. The decision was to become operative from 20.02.2019. The applicants made efforts to get themselves promoted to the post of AO before they are shifted to IB. That, however, did not happen. Now, that the applicants have become part of the establishment of IB, they carry with them the benefit of seniority, which they had in the SSB. It is axiomatic that as and when occasion arises for promotion to the post of AO or its equivalent in the IB, the cases of the applicants needs to be considered, duly taking into account, the seniority which they had to their credit, in the SSB.

5. We, therefore, dispose of the OA directing that the respondents shall take into account, the seniority of the applicants in the SSB as and when their cases become ripe for consideration for promotion to the post of AO or equivalent in the IB. It is needless to mention that if the applicants have any grievance regarding their promotion in IB, it shall be open to them to pursue the remedy in accordance with law. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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