

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA No. 227/2018 in
OA No. 1287/2018**

New Delhi, this the 16th day of August, 2019

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

1. Union of India
Ministry of Earth Sciences
Prithvi Bhavan, Lodhi Road
New Delhi – 110 003.
2. The Director General of Meteorology
India Meteorological Department
Mausam Bhawan, Lodhi Road
New Delhi – 110 003.

.. Review Applicants/
Respondents in OA

(By Advocate : Shri Hanu Bhaskar)

1. P.S. Sastry, Meteorologist –‘B’
Age 58 years
S/o late P.L.N. Sastry
R/o 299, A-Type Quarter
Pandara Road Flats,
New Delhi –03.
2. Pratap Kumar Jena, Meteorologist –‘B’
Age 50 years
S/o Shri Harikrishna Jena
R/o G-1/126, Vaishali
Ghaziabad, UP.
3. Suprakash Chakraborty, Meteorologist ‘B’
Age 52 years
S/o late Suresh Chakraborty
R/o Flat No.303/B, Sagar Housing Complex,
Kamakhya Nagar, Guwahati.
4. K.G. Tarodekar, Meteorologist ‘A’
Age 58 years
S/o late Ghanshyam Tarodekar

R/o 298, H.B. Estate, Sonegaon
Nagpur, Maharashtra

5. Atul Kumar Mishra, Meteorologist -‘A’
Age 53 years
S/o Shri Manik Raj Mishra
R/o 79-M, CGH Complex, Vasant Vihar
New Delhi – 110 057.
6. Anil Kumar Pandey, Meteorologist-‘A’
Age 50 years
S/o Shri Ram Pujan Pandey
R/o G-40, 1st Floor, Sakarpur, Delhi.
7. Sumesh Chand Verma, Meteorologist-‘A’
Age 47 years
S/o Shri Maamchand
R/o M-66/A, Meteorological Housing Complex
IMD Campus, Lodhi Road, New Delhi –03.
8. Prashant Saraswat, Sc. Asstt. ‘B’
Age 44 years
S/o Shri B.S. Saraswat
R/o B-11 A, East Baldev Park
Delhi .
9. Abhishek Kumar Rai, Sc. Asstt. ‘B’
Age 31 years
S/o Shri Om Prakash Rai
R/o M-09, IMD Residential Complex
Plot No.6 B, Dwarka Sector 10
New Delhi.

.. Respondents

(By Advocate : Shri M.K. Bhardwaj)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

This Review Application is filed by the respondents in O.A. No.1287/2018, with a prayer to review the order dated 28.03.2018 passed therein.

2. It is stated that the O.A. was filed challenging certain promotions, that were made on the basis of reservation in favour of the candidates, belonging to SC category, and the O.A. was disposed of, at the admission stage, without even issuing the notice. It is further stated that the O.A. was disposed of in terms of the order passed in another O.A. No.1111/2017 which, in turn, was disposed of in terms of judgment of the Hon'ble Supreme Court in ***M. Nagaraj and Others Vs. Union of India and Others***, (2006) 8 SCC 212, and that the Hon'ble Supreme Court has recently issued modified guidelines in ***Jarnail Singh and Others Vs. Lachhmi Narain Gupta and Others***, (2018) 11 SCALE 530, decided on 26.09.2018.

3. We heard Shri Hanu Bhaskar, learned counsel for the review applicants/respondents in the O.A. and Shri M.K. Bhardwaj, learned counsel for the applicants in the O.A.

4. O.A. No.1111/2017 was filed by certain employees of Central Secretariat Services, feeling aggrieved by reservation in promotions. According to them, the reservations in promotions effected by the respondents were not in terms of the judgment of the Hon'ble Supreme

Court in **M. Nagaraj's** case. The O.A. was disposed of on 28.03.2018, directing that the respondents shall effect reservation in promotions, strictly in accordance with the judgment of **M. Nagaraj's** case. One week thereafter, O.A. No.1287/2018 was decided. Obviously, because the O.A. No.1111/2017 was decided almost on merits, the subsequent O.A. No.1287/2018 was simply disposed of, in terms of the former.

5. Two principal contentions are advanced before us. The 1st is that O.A. No.1287/2018 was disposed of, without even issuing notice and the 2nd is that the order passed in O.A. No.1111/2017 was modified in WPC No.12035/2018, to the effect that the respondents shall follow the principle laid down by the Hon'ble Supreme Court in **Jarnail Singh's** case.

6. Except that reference was made to order in O.A. No.1111/2017, no discussion, whatever, was undertaken in O.A. No.1287/2018. Having regard to the similarity of both the OAs, disposal at the stage of admission cannot be found fault with.

7. It is not in dispute that WPC No.12035/2018 was filed against the order passed in O.A. No.1111/2017, and the order of the Hon'ble High Court of Delhi observed as under:

“After the impugned order was passed, the Constitution Bench of the Supreme Court has rendered its decision in **Jarnail Singh & Ors. vs. Lacchmi Narain Gupta & Ors.**, (2018) 11 SCALE 530. The Constitution Bench of the Supreme Court, which was examining whether the decision in M. Nagaraj (supra) should be referred to a Larger Bench for its re-consideration concluded that the decision in M. Nagaraj (supra) does not need to be referred to Seven Judges Bench. However, the conclusion in M.Nagaraj (supra) that the State has to collect quantifiable data showing backwardness of the Scheduled Castes and Scheduled Tribes, being contrary to the Nine Judges Bench’s decision in the case of **Indra Sawhney & others vs. Union of India & others**, 1992 Supp. (3) SCC 217, was held to be invalid to that extent.

There is no gain saying that in view of the latest decision of the Supreme Court in Jarnail Singh (supra), the Union of India and all others are bound to comply with the same. In view of the aforesaid, we dispose of the present petitions by directing that the Union of India shall comply with the judgment in Jarnail Singh (supra). Since the judgment in Jarnail Singh (supra) has been rendered only on 26.09.2018, we extend the time for compliance by another three months.”

8. From this, it is evident that the order passed in O.A. No.1111/2017 was substantially modified, to the effect that the Government shall follow the decision/judgment of the Hon'ble Supreme Court in **Jarnail Singh's** case. The same result shall ensue in this O.A.

9. We, therefore, allow the R.A. and modify the order dated 28.03.2018 passed in O.A. No.1283/2018, to the effect that the respondents in the O.A. shall comply with the judgment of the Hon'ble Supreme Court dated 26.09.2018 in **Jarnail Singh & Others vs. Lachhmi Narain Gupta & Others**. The respondents in the O.A. are granted three months time to take necessary steps in this behalf. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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