

**Central Administrative Tribunal
Principal Bench**

OA No.4546/2017

New Delhi, this the 15th day of July, 2019

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

1. Anant Prakash Srivastava,
Group A
(aged about 41 years),
S/o Shri Rama Shankar Srivastava,
Assistant Controller of Patents & Designs
R/o A-28, Sector-8, Dwarka, New Delhi.
2. Anita Jatav,
Group A
(Aged about 40 years),
d/o Shri Dhanpal Singh,
Assistant Controller of Patents and Designs,
R/o 108, Sector 11, Dwarka, New Delhi.
3. Chetashri Parate,
Group A
(Aged about 38 years),
d/o Shri Khemraj Zunke,
Assistant Controller of Patents and Designs,
R/o 37, Manoch Appt. Vikashpuri,
New Delhi.
4. M. Buchi Babu,
Group A
(Aged about 41 years),
S/o Shri M. Narayan,
Assistant Controller of Patents and Designs,
R/o Saheed Bhagat Singh Appt. Sector-14, Dwarka,
New Delhi.
5. Monika Seth,
Group A
(Aged about 41 years),
d/o Late Shri Ram Mohan Dhawan,
Assistant Controller of Patents and Designs,
R/o 3032, Engineers Apartment, Plot No. 14,
Sector 18 A, Dwarka, New Delhi.

6. Neeraj Tayal,
Group A
(Aged about 40 years),
S/o Raj Kumar Tayal,
Assistant Controller of Patents and Designs,
R/o D-4 B, MIG, Mayapuri, New Delhi.
7. Omvir Singh,
Group A
(aged about 48 years),
S/o Late Shri Mahadev Singh,
Assistant Controller of Patents and Designs,
R/o 558, GH587, Meera Bagh, New Delhi.
8. Prithipal Singh,
(Aged about 47 years),
Group A
S/o Shri Jai Singh,
Assistant Controller of Patents and Designs,
R/o C-207, Trimurti Apartment, Sector 12,
Dwarka, New Delhi.
9. Rajni Bala,
Group A
(Aged about 39 years)
d/o Shri Jyanti Parsad,
Assistant Controller of Patents and Designs,
R/o 770, Laxmibai Nagar, New Delhi.
10. Rishu Bharti,
Group A
(Aged about 47 years),
w/o Shri Pramod,
Assistant Controller of Patents and Designs,
R/o 1034 A Urban Estate-II, Hisar.
11. Rajendra Kumar Lohia,
Group A
(Aged about 41 years),
S/o Shri Ram Kumar,
Assistant Controller of Patents and Designs,
R/o 27, Sector 12, Dwarka, New Delhi.
12. Shriman Asthana,
Group A
(Aged about 42 years),
S/o Late Shri V N Asthana,
Assistant Controller of Patents and Designs,
R/o 199, Secrto-12, Dwarka, New Delhi.

13. Susanta Das,
Group A
(Aged about 43 years),
S/o Shri Madhab Das,
Assistant Controller of Patents and Designs,
R/o 171, Sector-14 B, Dwarka, New Delhi.
14. Sweta Raj Kumar,
Group A
(Aged about 41 years),
d/o Shri S. Rajkumar,
Assistant Controller of Patents and Designs,
R/o 441, Metroview Apptt. Sector-13,
Dwarka, New Delhi.
15. Sunita Rani,
Group A
(Aged about 48 years),
d/o Shri Bishan Dass,
Assistant Controller of Patents and Designs,
R/o 725/726, Sector-16B, Dwarka, New Delhi.
16. Sarfaraz-ur-Rehman,
Group A
(Aged about 42 years),
S/o Late Shri Shafiq-ur-Rehman,
Assistant Controller of Patents and Designs,
R/o Vikashpuri, New Delhi.
17. Soni, Amit,
Group A
(Aged about 47 years),
S/o Shri Mahendra Kumar Soni,
Assistant Controller of Patents and Designs,
R/o 820, L & T, Sector-18 B, Dwarka, New Delhi.
18. Sunil Kumar Gautam,
Group A
(Aged about 42 years),
S/o Shri Bholi Prasad Gautam,
Assistant Controller of Patents and Designs,
R/o E-32A, Vatika Aptt., Mayapuri, New Delhi.
19. Shankar Dyal Bhatnagar,
Group A
(Aged about 41 years),
S/o Shri Des Raj Bhatnagar,
Assistant Controller of Patents and Designs,

R/o I-22, Karampura, New Delhi.

20. Vijay Singh,
Group A
(Aged about 42 years),
S/o Shri V K Verma,
Assistant Controller of Patents and Designs,
R/o 260, Kautilya Apptt, Sector-14B,
Dwarka, New Delhi.

21. Vikash Kumar,
Group A
(Aged about 40 years),
S/o Shri Tej Narayan Roy,
Assistant Controller of Patents and Designs,
R/o C-9, Mansarovar Apartment,
Plot No. 3 Sector-5, Dwarka,
New Delhi. Applicants

(By Advocate : Shri M. S. Saini)

Versus

1. Controller General of Patents, Designs
& Trade Marks,
Boudhik Sampada Bhawan,
Sector-14, Dwarka,
New Delhi.

2. Union of India, through
Secretary,
Department of Industrial Policy and Promotion
Ministry of Commerce and Industry,
Government of India,
Udyog Bhawan,
New Delhi- 110011. Respondents

(By Advocate : Shri Subhash Gosain)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicants have been appointed initially as Examiners in the organisation of Controller General of Patents, Designs and Trademarks (CGPDTM). As of now,

they are said to be occupying the post of Assistant Controller. Through an order dated 02.11.2017 under the Ministry of Commerce and Industry, the Government of India has sanctioned posts at various levels. The applicants filed this OA challenging the same. According to them, the revision of cadre structure was done on the basis of a study made in the year 2008 and that the same does not satisfy the present needs of the department.

2. The respondents filed the counter affidavit opposing the OA. It is stated that the creation and modification of the cadre is the prerogative of the Government, and the applicants do not have any right to object to the creation of posts. Various contentions advanced by the applicants are denied.

3. We heard Shri M. S. Saini, learned counsel for the applicant and Shri Subhash Gosain, learned counsel for the respondents.

4. During the course of arguments, learned counsel for the applicants has given up the challenge to the impugned order dated 02.11.2017, and the prayer in the OA. It is stated that during the pendency of the OA, the office of the CGPDTM issued a letter dated 06.09.2018 informing the Government of India, Ministry of Commerce that proposals are being initiated for creation of “Indian Patents & Design Services” in accordance with “A Monograph” (2010) for

cadre review of Group-A Central Service of DoP&T. He submits that if necessary steps in that direction are taken, they would be of use to the applicants.

5. We, therefore, dispose of the OA taking note of the letter dated 06.09.2018 and observing that the concerned authority shall expedite the steps, if any, regarding the proposal for creation of separate “Indian Patents & Designs Services”, and to take a final decision within a period of six months from the date of receipt of certified copy of this order. This order shall not be construed as a direction for creation of such a cadre. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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