

Central Administrative Tribunal, Principal Bench

Original Application No.266 of 2003

M.A.No.280/2003

New Delhi, this the 4th day of February, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Malhotra, Member (A)

1. Shri S.R. Kataria,
S/o Shri Bhola Ram
R/o 1702, Delhi Administration
Flats, Gulabi Bagh,
Delhi.
2. Shri Sanjay Gihar,
S/o Shri Radhey Shyam
R/o L-85, IInd Floor,
Malviya Nagar,
New Delhi.
3. Shri G.L. Meena,
R/o 2093, Delhi Administration
Flats, Gulabi Bagh,
Delhi.
4. Shri Kuldeep Pakad,
S/o Shri Joria Meena,
R/o 2079, Type-IV
Delhi Administration Flats,
Gulabi Bagh, Delhi.
5. Ms. Shashi Kaushal,
D/o Shri M.K. Kaushal,
R/o 1665, Delhi Administration
Flats, Gulabi Bagh,
Delhi.

..... Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Union of India,
Through the Secretary,
Ministry of Personnel & Training,
Department of Personnel, Pension
and Training, North Block,
New Delhi.
2. Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.
3. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi

Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

M.A. 280/2003

M.A. is allowed subject to just exceptions.
Joint application is permitted.

O.A. 266/2003

2. The argument of the learned counsel is that without settlement of feeder cadre, no DPC can be held.

3. Earlier O.A. 2703/2002 had been filed which was disposed of by this Tribunal on 17.10.2002. A Bench of this Tribunal had directed -

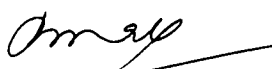
"Having regard to the aforesaid, I feel that the ends of justice would be duly met, even without issuing notice, by giving a direction to the respondents to decide the aforesaid representations of the applicants and also treating this O.A. as a part of their representation by passing a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of this order. I do so accordingly. Any promotion made during this period to the post of JAG, however, will be subject to the outcome of the representations preferred by the applicants."


4. It appears from the record that on 23.1.2003, a letter has been addressed to the applicants pointing out that their representations have been considered and it has been concluded that the vacancies meant for the Unreserved, Scheduled Caste and Scheduled Tribe categories in promotions to Grade-I (Selection Grade) of Delhi, Andaman &



Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Civil Service should have been calculated on the basis of the prescribed post based reservation roster. Since this constituted a procedural shortfall with regard to the proceedings of the DPC convened on 15.12.97, the proceedings of the said DPC are required to be reviewed. It points out that necessary action is being initiated in consultation with the Union Public Service Commission. We only need point out that the said ^{for the present} plea so taken, is premature.

5. For the present, the petition is dismissed with liberty to the applicant to approach this Tribunal if the need arises.


(S.K. Malhotra)
Member (A)


(V.S. Aggarwal)
Chairman

/dkm/