

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 908 of 2003

New Delhi, this the 28th day of November, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)
HON'BLE MR. S.K. NAIK, MEMBER (A)

1. Shri K.B. Sethi
Assistant Director,
Central Statistical Organisation,
Ministry of Statistics and
Programme Implementation,
Parliament Street,
New Delhi-110 001.
 2. Shri Chakresh Chandra
Assistant Director,
Central Statistical Organisation,
Ministry of Statistics and
Programme Implementation,
Parliament Street,
New Delhi-110 001.
 3. Shri Ved Prakash
Assistant Director,
Central Statistical Organisation,
Ministry of Statistics and
Programme Implementation,
Parliament Street,
New Delhi-110 001.
 4. Shri Joy Martin
Assistant Director,
NSSO (FOD), Ministry of Statistics & P.I.,
Kozikode (Kerala).
 5. Shri R.T. Bhalerao
Assistant Director,
NSSO (FOD), Ministry of Statistics & P.I.,
Mumbai.
 6. Shri K.B.K. Rao
Assistant Director,
NSSO (FOD), Ministry of Statistics & P.I.,
Vijayawada (A.P.).
 7. Shri B.K. Gupta
Assistant Director,
Central Statistical Organisation,
Ministry of Statistics &
Programme Implementation,
Parliament Street,
New Delhi-110 001.
- ...Applicants

(By Advocate: Shri Gyan Prakash)

Versus

Union of India through

1. The Secretary,
Ministry of Statistics and
Programme Implementation,
- h

13

delay in holding DPCs and to give regular promotions. However, it is submitted that ad hoc promotions have not already been given to the applicants.

3. When the case was taken up for hearing the learned counsel for the applicant pointed out that out of all the 7 applicants during the pendency of the OA six of the applicants have already retired though they had got ad hoc promotions but still they could not get the regular promotion merely because of apathetic attitude of the department and inordinate time being taken by the respondents to finalise the seniority list of feeder grade.

4. On going through the facts on record we also find that the department has taken an unduly long time to finalise the seniority list of the feeder grade. According to the ISS Service Rules, 1961 though the applicant had become eligible for being considered for promotion to Grade III quite long back but they could not be considered merely on the ground of non-finalisation of seniority list so we are of the considered view that the OA can be disposed of with a direction to the respondents to finalise the seniority list within a fixed period of time and then to conduct DPC of eligible candidates for promotion to Grade-III of Indian Statistical Service in accordance with the rules.

5. The learned counsel for the applicants also relied upon a judgment given by the Supreme Court whereby the Supreme Court had admonished such like delays being taken by the department for giving promotion to the employees. In one of such case the Hon'ble Supreme Court

fu

Department of Statistics,
Parliament Street,
New Delhi-110 001.

2. The Secretary,
Department of Personnel and Training,
North Block, New Delhi-110011.
3. The Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi. Respondents

(By Advocate: Shri M.M. Sudan)

ORDER (ORAL)

By Hon'ble Mr. Kuldeep Singh, Member (Jud II)

This application has been filed by 7 applicants as they are aggrieved of the inaction on the part of the respondents in giving promotion to the applicants. All the applicants belong to Grade-IV of Indian Statistical Service and they claim that they had become eligible for being considered for promotion to Grade-III in the year 1981-82, i.e., 20 years back as per ISS Service Rules. However, no DPC was held till 2000. They were promoted as Grade-IV ad hoc officers w.e.f. 13.6.97 after the DPC was held first time in the year 2000 so they have sought a direction to the respondents to hold DPC for preparing select list for promotion to Grade-III of ISS for the year 2000, 2001 and 2002 as per rules and to consider the case of the eligible officers including applicants for this. It was also prayed that in the meanwhile they may be promoted on ad hoc basis.

2. The respondents though filed counter-affidavit to contest the OA. However, it was submitted that since the seniority list in the feeder grade is not being finalised because of various litigations that had caused

lan

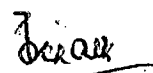
14

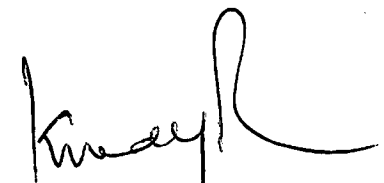
has recorded the remarks against the Hon'ble High Court of Rajasthan for not effecting promotion of the employees in time and as far the delay in this case is concerned, we also feel the delay taken by the department to finalise the seniority list of feeder grade has caused great harm to career of applicants. In these circumstances we allow the OA and direct as under:-

(i) Department shall finalise the seniority list within a period of 4 months from the date of receipt of a copy of this order.

(ii) After the finalisation of seniority list within a period of one month the department shall consider ⁱⁿ the DPC to consider the applicants for promotion in accordance with the rules, instructions and judicial pronouncements on the subject.

6. OA stands disposed of with the above directions. No costs.


(S.K. NAIR)
MEMBER (A.)


(KULDIP SINGH)
MEMBER (J)

Rakesh