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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1642/2003

New Delhi, this the 17th day of December, 2003

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri S.K. Naik, Member(A)

1. Gulab Singh
2. D.P. Mishra
3. S.C.L. Sharma
All working as Scientific Officers
in the Commission for Scientific & Technical
Technology, West Block
R.K.Puram, New Delhi .. Applicants

(Shri S.C. Luthra, Advocate)

versus

Union of India, through

1. Secretary
Deptt. of Secondary education & Higher
Education, Ministry of Human
Resources Development, New Delhi
2. Director
Central Hindi Directorate
West Block, R.K.Puram, New Delhi
3. Chairman
Commission for Scientific & Technical
Terminology R.K.Puram, New Delhi
4. Smt. Shashi Gupta) To be served
5. Umakant Khubalkar) through R-2 .. Respondents

(Shri A.K.Bhardwaj, Advocate)

ORDER(oral)

Shri S.K. Naik

Applicants, three in number, are before us in a third round of litigation seeking deletion of the names of Respondents No.4 and 5 from the seniority of SOs vide order dated 27.5.2003 (A-1) and to restrain the respondents from making any promotion on the basis of the said seniority list.

2. Briefly stated, the applicants are working as Scientific Officers (SOs in short) in the office of Commission for Scientific & Technical Terminology (CSTT). With the amendment of R/Rules vide notification dated

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23.9.95, the posts of SOs were redesignated as Assistant Education Officers (AEOs) and their avenue of promotion was to the post of Assistant Director (Gen.) (AD, for short). According to the applicants, seniority list of AEOs was first issued on 23.3.99 in which names of R-4 and R-5 were not included but in the list issued on 24.5.99 their names have been interpolated without assigning them any serial number. In yet another tentative seniority list issued on 25/29.10.01 their names appear at Sl.No.4 and 11 respectively. Aggrieved by this, applicants filed OA 910/02 and the same was disposed of by order dated 3.4.2002 with a direction to the respondents to dispose of the representation of the applicants. In pursuance thereof, order dated 1.7.2002 was issued. Not satisfied with this, applicant made another representation on 23.7.2002. Thereafter, another seniority list of SOs as on 1.4.2002 was issued on 29.7.2002 wherein name of R-4 appears at Sl.No.1, while that of R-5 appears below applicant No.2, without any number. While the applicants continued to make representations against this, respondents have issued yet another seniority list on 27.5.2003 showing the names of R-4 and R-5 at Sl.No.1 and 4 respectively. The grievance of the applicants is that both R-4 and R-5 would be promoted to the next higher grade ignoring their superior claim if their names continue to figure in the seniority list (Annexure A-1) and therefore they have prayed for a direction to delete their names from the list.

3. Respondents have contested the case in their reply and have stated that after revision of R/Rules and bifurcation, 21 posts of AEO went to the share of language cadre of Central Hindi Directorate (CHD) and 8

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posts of AEO (Subject) to that of CSTT. Before revision, there was a combined cadre and promotion was also made from the combined cadre of Research Assistants (Language & Subject) on the basis of seniority. No quota/ratio was fixed for either of the streams. After bifurcation, there were 11 AEOs belonging to subject stream whereas 18 AEOs existed in the list from the language stream, resulting in excess of three AEO in subject stream. In order to ensure that none of AEOs, who were promoted on the basis of the combined seniority list were reverted, a decision was taken to adjust them in the language cadre with the condition that they would be transferred back to their parent cadre at the time they attain eligibility for next promotion to the post of AD(Subject). In the meantime, R-4 who was transferred to CSST was taken back in CHD. In the year 1997, a decision was taken that posts vacated by subject and language cadre will be filled up by the officers originating in the respective cadres only to ensure availability of officers in the areas of their respective qualifications and keepingg in view the nature of business of both the offices and proper management of both cadres. Order dated 27.5.2003, which is under challenge herein, has been issued to do away with the combined seniority list.

5. Heard the learned counsel for the parties and carefully considered the arguments advanced before us.

6. Counsel for the respondents has clarified that the private respondents would be transferred back to their parent cadre at the time they attain eligibility for next promotion i.e. to the post of AD ..

7. The only relief which has been sought by the applicants is for deletion of the names of private respondents from the seniority list dated 27.5.2003 as they apprehend that their continuance will deprive the applicants of their chance of promotion. In view of the clarification given by the respondents in their counter and categorically stated at the bar by their counsel that the private respondents will be transferred back to their parent cadre at the time they attain eligibility for the next promotion, we find that the relief sought for by the applicants in effect is being met by this assurance. We find that shifting of the private respondents from the seniority list has been resorted to by the respondents to avoid reversion of the excess employees after bifurcation in one cadre and shortage in the other and also to comply with the directions issued by this Tribunal earlier.

8. In view thereof, the OA is disposed of with the direction that respondents will, as admitted before us by their counsel, transfer the private respondents back to their cadre at the time they attain eligibility for next promotion in their parent cadre. No order as to costs.

(S.K. Naik)
Member(A)

(Kuldip Singh)
Member(J)

/gtv/

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