

(52)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO.248/2004
O.A. NO.2291/2003

This the 17th day of December 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Avadesh & Ors.

... Applicants

Versus

Secretary, Ministry of Urban Development and
Poverty Alleviation & Others

... Respondent

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

Through this application, applicants have sought review of order dated 21.7.2004 whereby OA No.2291/2003 was dismissed.

2. The learned counsel of applicants raised the following contentions:

- (1) Although the respondents in the OA had stated that Central Secretariat Clerical Service (CSCS) Rules, 1962 do not permit any provision for the induction and inclusion of LDCs working in subordinate offices, respondents had inducted one Sardar Singh Joon from LDCs who was working with the L&D Office in the CSCS cadre of the Finance Ministry. The learned counsel stated that though this was stated in the rejoinder, this fact was not taken into consideration in the orders in question.





(2) Drawing our attention to Annexure A-5, the learned counsel pointed out that the respondents had vide order dated 10/11.4.2000 encadred the technical posts in the L&D Office with those of comparable cadres/grades/posts in the Director-General of Works, CPWD, but this dispensation was not accorded to the applicants who belong to non-technical posts of LDCs. As such, a wrong assumption had been made in the Tribunal's orders that 28 posts of LDCs in the CSCS cadre were also encadred vide order dated 10/11.4.2000.

(3) Next, the learned counsel referred to the following observations in paragraph 10 of the Tribunal's order dated 21.7.2004:

"But before these persons could join, the office of Resp. No.4 has been upgraded and its status had become of that of an attached office. So the Govt., as a policy decision, had appointed those clerks in the attached offices as a member of CSCS."

The learned counsel stated that these observations allegedly made on the basis of averments/pleadings of the respondents are factually incorrect and are error on the face of record. Government had not come up with any policy decision in this regard.

(4) The learned counsel further stated that although the applicants who belong to 1996 'Y' Group category LDCs had a better claim than 1997 'Y' Group category LDCs nominated to the L&D Office, following observation in paragraph 10 of the order was factually incorrect:

"Because any of those clerks who were placed in 'Y' category on the basis of the 1996 examination and have been allotted different attached offices would also claim equality with the 'Y' group clerks who had been employed by Resp. No.4 and would also claim for encadrement in CSCS."

3. The learned counsel of the respondents opposed the contentions made on behalf of the applicants and stated that there have been no errors in the Tribunal's orders. The learned counsel stated in respect of Sardar Singh Joon that he has not been inducted in CSCS cadre. The learned counsel referred to some correspondence on behalf of the applicants relating to induction of Sardar Singh Joon but failed to refer to any orders regarding ^{the non - the} induction of Sardar Singh Joon in CSCS cadre.

4. Respondents have admitted that technical posts in L&D Office were encadred with those of comparable cadres/grades/posts under Director-General of Works, CPWD.

5. The contention of the learned counsel of the applicants that Government had not taken any policy decision stated in paragraph 10 of the Tribunal's order could not be contradicted on behalf of the respondents.

6. No satisfactory explanation regarding different treatment between the applicants and the 1997 'Y' Group category LDCs nominated to the L&D Office in CSCS cadre could be offered.

7. Taking the above discussion into consideration, we are of the view that some errors have lurked-in in our orders dated 21.7.2004. Accordingly, they are recalled. OA is restored to its original number for re-hearing which may now be listed ^{early. the}

S. Raju
(Shanker Raju)
Member (J)

V. K. Majotra
(V. K. Majotra) 17.12.07
Vice-Chairman (A)

/as/