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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10142/2015**

Date of Judgment : 30th October, 2015

UOI & ORS.

..... Petitioners

Through : Mr. Arun Bhardwaj, CGSC with
Ms. Gunjan Bansal, Advocate.

versus

ALL INDIA DEFENCE CIVILIAN CLERKS ASSOCIATION
OF AOR & RECORDS OFFICE & ANR.

..... Respondents

Through : Mr. U. Srivastava, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CAVEAT No. 1131/2015

1. Mr. Srivastava, Advocate enters appearance on behalf of the caveator.
2. Caveat stands disposed of.

CM APPL. No. 24974/2015 (Exemption)

3. Exemption allowed subject to all just exceptions.
4. Application stands disposed of.

W. P. (C) 10142/2015

5. Challenge in this writ petition is to the order dated 20.02.2015 passed by the Central Administrative Tribunal. Since, the order passed is very short, we deem it appropriate to reproduce the same.

“ In para 13 of the counter reply filed on behalf of the respondents, it has been stated that the Tribunal may issue directions for approval of the cadre review

proposal of the Clerical Cadre of AOC within a specific time bound manner for mitigating the stagnation in the Clerical Cadre and removing the disparities in comparison with Storekeeping Cadre who are working in the aegis of same organization. Para 13 of the reply reads thus :-

13. That consequently, it is pleaded that the Hon ble CAT may issue directions for approval of the cadre review proposal of the Clerical Cadre of AOC within a specific time bound manner for mitigating the stagnation in the Clerical Cadre and removing the disparities in comparison with Storekeeping Cadre who are working in the aegis of same organization i.e., Army Ordnance Corp; so that the clerical cadre of AOC are benefitted by the relative mobility in career progression vis-`-vis the Storekeeping cadre.

*2. Learned counsel for the parties are **ad idem** that the OA may be disposed of with a direction to the respondents to take action as committed in para 13 of the reply (ibid) within a period of four weeks from the date of receipt of a copy of this order.*

3. Ordered accordingly. The OA stands disposed of. No costs.

6. Mr. Bhardwaj, Advocate appearing for petitioner submits that para 13 of the counter affidavit filed before the Tribunal and which has been reproduced in the order is unhappily worded. He further submits that the intention of the petitioner (respondent before the Tribunal) was simply to bring it to the notice of the Tribunal that a Cadre Review Proposal of the Clerical Cadre of AOC was in place and in a time bound manner, the same would be considered and finalized. He further submits that the finalization of the proposal is a long drawn process before the Cadre Review Proposal can be

finalized. After the proposal is prepared and finalized by the Ministry of Defence, it is sent to the DoPT, thereafter to the Department of Expenditure and to Department of Legal Affairs which is a lengthy procedure and would required atleast 1½ years. He also submits that the petitioners are sincere in their endeavour which is evident from the fact that the proposal is already in place. Mr. Bhardwaj further submits that the Tribunal has directed the petitioner to take action as per para 13 of the counter affidavit within four weeks which is humanly impossible.

7. Mr. Srivastava, learned counsel for the respondent/Caveator submits that the respondents have been suffering for a long period of time and petitioners should be bound down and directed to comply the exercise in shortest possible time to mitigate their stagnation.
8. Accordingly, we dispose of this writ petition with the consent of the parties with following directions.
 - i) The petitioner No. 1/Ministry of Defence shall take all necessary steps for finalization of the Review Proposal of the Clerical Cadre of AOC within a maximum period of one year from today.
 - ii) Since, the DoPT and Department of Legal Affairs are also petitioners before us, we direct them to ensure the compliance within four months thereafter.
 - iii) We expect that petitioners would sincerely comply with the order and stick to the schedule which has been fixed at their instance.

- iv) A copy of this order will be brought to the notice of the DoPT and Department of Legal Affairs.
9. Writ petition is disposed of.
10. Copy of the order be given dasti, as prayed.

CM APPL. No. 24973/2015 (Stay)

11. In view of the order passed in the Writ Petition, present application is rendered infructuous.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 30, 2015

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