

Hearing in MA 1291/2014 in OA 757/2013, Umesh Chandra & Others

The hearing in MA 2191 in OA 757/2013 came for hearing today in CAT Delhi. As everybody is aware in 2013, 11 applicants, including some CWC Members i.e. President, VP (TV), VP(NZ) and other Members filed the OA 757/2013 in Individual Capacity. The Court issued a speaking order to "Consider the Grant of ACP PATNA subjected to the outcome of Review Petition filed by the department against the decision of CAT and High Court Patna". This Review Petition was dismissed on 22nd Oct 2013. After this persuasion is being done. An Execution Petition is filed and in this MIB has submitted that "DG (AIR) has to send a Proposal for the Applicants and they are Ready to consider". MIB has issued several letters to DG(AIR) for preparing and sending proposals for Applicants. On 10th Sept 2014 in hearing of Execution Petition Hon'ble Court ordered personal appearance of Under Secy. And DG(AIR).

In ACP Patna the main question to be settled was "whether we are similarly placed with ACP PATNA Applicants or not"? There is no doubt that we are similarly placed, but the department has to accept this. We fulfill all the criteria's of establishing the Similarity as per DOPT norms, i.e. Recruitment Rules, Service conditions, Duties and Responsibilities and Seniority lists.

Till today all the verdicts delivered were directed only to extend the benefit "If they are similarly situated". It was discussed at various levels that Some of the orders issued about scales like 05/12/97 and 25/2/99 are said to be the hurdles in deciding the Similarity. This point has been argued and debated during litigation of ACP PATNA.

Feeling pressurized by this development and vigorous follow up made at various levels DG (AIR) has prepared a proposal and in this proposal FIRST TIME DG(AIR) HAS MENTIONED THE FOLLOWING :

"As per service Records, the appellants of OA 514/2002 to whom ACP is granted and appellants of OA 757/2013 are similarly placed."

In today's hearing, DG (AIR) submitted that they have sent the proposal to the Ministry and Ministry submitted that, for forming the screening committee, the officers eligible have retired and all the officers available now are CDC (Current Duty Charge) or Adhoc and Ministry has sought relaxation to DOPT in this matter.

Next Date of hearing is 18/12/2014

In today's hearing President, VP(TV), Addl.G.S., Treasurer and JS(SEA/EA), NZ were present in the Court.

Central Office