

No.14040/12/2013-UTS-II  
भारत सरकार /Government of India  
गृह मंत्रालय /Ministry of Home Affairs

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North Block, New Delhi-110001  
Dated: 13<sup>th</sup> November, 2018

ORDER

Whereas, the CAT, Principal Bench, New Delhi while disposing of OA No.4244/2012 filed by Shri S. K. S. Yadav, vide order dated 13.08.2018, inter-alia, directed the respondents as under :-

***"We, therefore dispose of the O.A. by directing the respondents no. 1 & 3 i.e. the Secretary, Ministry of Home Affairs and the Secretary, Deptt. of Personnel & Training respectively to pass orders on the representation dated 22.08.2012 submitted by the applicant within a period of 6 weeks from the date of receipt of certified copy of this order."***

2. Whereas, Shri Yadav had submitted his representation dated 22.08.2012, requesting this Ministry to grant him (i) JAG-II w.e.f. 01.07.1998 (after completion of 13 years of approved service) as has been given to 71 junior officers after completion of 13 years vide order dated 29.02.2012; and (ii) JAG-I Scale w.e.f. 01.07.2003 after completion of 18 years of approved service. In this regard, vide letter dated 29.11.2012, he had given reminder to this Ministry.

3. Whereas, before adverting to the merits of the contentions raised in his representation dated 22.08.2012, it may be appropriate, to briefly mention the background facts. These are:-

3.1 Shri S.K.S. Yadav was selected in DANICS on the basis of CSE, 1984 and joined the service on 28.04.1986. Approved service in respect of him is counted w.e.f. 01.07.1985.

3.2 As per DANICS Rules; candidature for promotion to SG, JAG-II & JAG-I grades is considered on completion of 08 years, 13 years and 18 years of approved service, subject to availability of vacancies in that grade and also subject to Vigilance clearance etc.

3.3. Shri Yadav was promoted to Selection Grade; vide order dated 07.08.1995 w.e.f. 23.11.1994.

3.4. Before notification dated 06.08.2003, there were 03 grades in DANICS i.e. Grade-II, Grade-I and Junior Administrative Grade (JAG).

1/4

Vide notification dated 06.08.2003, Entry Grade, Selection Grade, JAG-II and JAG-I Grades were introduced w.e.f. 01.01.1996. Thus, vide this notification dated 06.08.2003, Grade-II was renamed as Entry Grade, Grade-I was renamed as Selection Grade, JAG was renamed as JAG-II and JAG-I was introduced as a new grade, w.e.f. 01.01.1996.

3.5 All the eligible officers in Grade-I (Selection Grade) were promoted to JAG (JAG-II), vide notification dated 21.02.2003, with immediate effect, as per the provisions of DANICS Rules, 1996.

3.6 Records shows that a meeting of the DPC to consider promotion to the grade of JAG-II was convened on 11.11.2002 and based on the recommendations of DPC, orders of promotion were issued vide notification dated 21.02.2003. It includes the name of Shri S.N. Mishra at S. No. 10, i.e. immediate junior of Shri Yadav (**Annexure-A**). Record also shows that on the date of DPC and also on the date of issuance of order of promotion Shri Yadav was not clear from vigilance angle. It is by virtue of the fact that disciplinary proceedings, as were initiated against him vide Memorandum of Charge dated 15.04.1999 and vide Memorandum of Charge dated 25.08.1999 were pending against him. Therefore, recommendations of the DPC in respect of Shri Yadav were kept in sealed cover.

3.7 Subsequently while disposing of the OA No.2756/2008 filed by Shri Yadav the CAT (PB) vide its order dated 10.12.2010, inter-alia, directed the respondents to open the 'Sealed Cover' and act on recommendations of the DPC.

3.8 In compliance with the directions of Hon'ble Tribunal, vide notification dated 21.04.2011, Shri Yadav was promoted to JAG (JAG-II) on notional basis w.e.f. the date from which his junior Shri S. N. Mishra was promoted i.e. w.e.f. 21.02.2003. Back-wages were allowed from 28.08.2006, when second DE against him was closed. It was also mentioned in the notification that he would be eligible for counting his seniority from the date of his notional promotion, which would also be counted for the purpose of increments.

3.9 Record also shows that based on the recommendations of the DPC held on 04.04.2012, 91 JAG-II officers were promoted to JAG-I w.e.f. dated indicated against their named (ranging from 01.07.1996 to 01.07.2011), vide notification dated 17.04.2012 (**Annexure-B**). It includes the name of Shri S. N. Mishra, immediate junior to Shri Yadav, at S. No. 55. Record shows that Shri Yadav was not clear from vigilance angle on the date of DPC held on 04.04.2012 and also issuance of orders of promotion, i.e. 17.04.2012.

3.10 Record also shows that on the date of the DPC held on 04.04.2012 and also on the date of which orders of promotion were issued vide order no. 14016/23/2011-UTS-II dated 17.04.2012, Shri Yadav was not clear from vigilance angle. It is by virtue of the fact that sanction for prosecution was granted to the CBI in case no. RC-14 (A)/2006/CBI/KER dated 29.06.2006, vide letter no. 14033/16/2007-UTS-II dated 25.10.2007 and in case no. RC-12 (A)/2007/CBI/KER dated 30.06.2007, vide letter no.14033/17/2008 dated 20.08.2008. In addition, Vide Memorandum of Charge dated 06.12.2007 and 03.08.2011, 02 departmental proceedings initiated against Shri Yadav in both aforesaid CBI cases, were also pending. Therefore, the recommendations of the DPC in respect of Shri Yadav for promotion to JAG-I were kept in sealed cover. The criminal proceedings in the aforesaid cases continue to be pending before the appropriate court of law.

4. Whereas, the contentions raised by Shri Yadav in his representation dated 22.08.2012 are based on conjectures and surmises and are destitute of any illegal force. It is due to the following reasons:-

4.1 Presumption of Shri Yadav regarding consideration of his candidature for promotion automatically to the JAG-II and JAG-I of DANICS on completion of 13 years and 18 years respectively is without foundations in law. Consideration of candidature for promotion to various grades is, inter-alia, depending upon the following parameters:-

(a) The officer should have completed 13 years and 18 years of approved service in DANICS for attaining eligibility for consideration of candidature for promotion to JAG-II and JAG-I respectively.

(b) The officer is found suitable by the Departmental Promotion Committee for promotion;

(c) There is a vacancy in the grade in which the officer is to be promoted;

4.2. With regard to promotion to JAG-II Grade, it is mentioned that vide order dated 21.04.2011, the officer has already been promoted to JAG-II by the Ministry of Home Affairs w.e.f. 21.02.2003, i.e. with effect from the date from which his juniors were promoted and the date on which occasion arose for consideration of his candidature.

5. Whereas, follow up action on the recommendations of the DPCs for consideration of candidature of Shri Yadav for promotion to JAG-I grade, will be taken in terms of extant rules and instructions only after

conclusion of the criminal and also departmental proceedings pending against him as per details in Para-3.10 above.

6. And now therefore, the representations of Shri S. K. S. Yadav dated 22.08.2012 and reminder dated 29.11.2012 stands disposed of accordingly.

This issues with the approval of the Competent Authority.

  
(Hitlar Singh)

Under Secretary to the Government of India  
Tele no. 011-2309 3599

To

**Sh. S. K. S. Yadav**  
S/o Shri S.P.S. Yadav,  
R/o 33/3, Rajpur Road,  
Delhi.

✓ Copy to:-

The Section Officer (IT), Ministry of Home Affairs, North Block, New Delhi - alongwith a copy of the order dated 13.11.2018 for uploading in the website of MHA.

[To be published in the Gazette of India, Part-I, Section-(2)]

No. J 4016/2011-VTS.II  
Government of India  
Ministry of Home Affairs

North Block, New Delhi-110001  
Dated the 17<sup>th</sup> April, 2012

**NOTIFICATION**

The president is pleased to appoint the following Junior Administrative Grade-I officers of NCT of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service (JANICS) to the Junior Administrative Grade I of the Service in the scale of pay of Rs.14,000-400-18,300/ (pre-revised) and 37,400-67,000 Grade pay Rs.8700 (revised) with effect from the dates indicated against their names:-

Sl.No	Name of the officer (S/Shri/Smt)	Date of Birth	Date/year of appointment to Junior Administrative Grade-I
1	Diwan Chand	05.07.53	01.07.1996
2	A.D.Shukla	08.07.54	01.07.1997
3	A.K.Singh	13.01.54	01.07.1997
4	A.Srivastava	27.11.53	01.07.1997
5	G.G.Saxena	05.11.53	01.07.1997
6	T.M.Balakrishnan	05.05.55	01.07.1997
7	C.P.Tripathi	01.07.52	01.07.1997
8	Smt.S.K.P.Sadhi	17.08.52	01.07.1997
9	D.S.Pandit	08.06.54	01.07.1997
10	S.N.Jha	01.11.53	01.07.1997
11	V.C.Pandey	01.07.56	01.07.1997
12	Kailash Chandra	08.08.54	01.07.1999
13	Smt.Alka Diwan	05.11.56	01.07.1999
14	Ved Prakash Rao	11.01.56	01.07.1999
15	Ramesh Tiwari	03.06.56	01.07.1999
16	Rajesh Somani	08.10.53	01.07.1999
17	K.J.R.Bhargava	03.07.56	01.07.1999
18	D.R.Tarita	05.12.52	01.07.1999
19	A.S.Daggar	06.02.54	01.07.2000
20	K.K.Jindal	22.03.58	01.07.2001

21	Rajiv Kale	31.03	50	01.07.2001
22	Smt. Achla Singh	21.09	53	01.07.2002
23	Sanjay Kumar Saxena	10.07	53	01.07.2002
24	Satish Mathur	19.01	59	01.07.2002
25	Rakesh Bali	02.10	48	01.07.2002
26	P.N.Mishra	10.03	54	01.07.2002
27	D.K.Mishra	04.03	47	01.07.2002
28	S.A.Awardi	01.06	54	01.07.2003
29	B.P.Joshi	30.12	53	01.07.2003
30	Alok Swarup	15.04	47	01.07.2003
31	Kum R Krishnan	03.09	59	01.07.2003
32	Jaydev Sarangi	05.01	59	01.07.2003
33	Mahap Lal	24.07	57	01.07.2003
34	Sunil Kumar Saxena	12.01	55	01.07.2004
35	M.S.Chauhan	30.07	55	01.07.2005
36	F.O.Hashmi	05.11	56	01.07.2005
37	Aakash Mahapatra	09.11	57	01.07.2006
38	P.K.Mecna	01.11	57	01.07.2006
39	N.K.Sharma	10.01	57	01.07.2006
40	D.P.Diwadi	19.01	57	01.07.2006
41	Ashutosh Kumar	30.01	57	01.07.2006
42	V.K.Jain	15.01	57	01.07.2006
43	Munaj Kumar	11.01	56	01.07.2006
44	S.S.Chhorkorkta	13.01	56	01.07.2007
45	Z.U.Siddiqui	06.01	56	01.07.2007
46	Sheo Pralup Singh	27.01	59	01.07.2007
47	C.S.Meera	01.01	56	01.07.2007
48	G.L.Meera	01.01	59	01.07.2007
49	R.K.Mishra	13.01	58	01.07.2007
50	Tarsem Kumar	22.01	59	01.07.2007
51	V.K.Berwal	22.01	57	01.07.2007
52	Vijay Singh Pansar	28.01	56	01.07.2009
53	P.C.Jain	20.01	58	01.07.2009
54	Smt.M.K.Garg	27.01	61	01.07.2009
55	S.N.Mishra	15.01	59	01.07.2009
56	Devender Singh	20.01	56	01.07.2009
57	Lakshmi Rai Garg	03.08	59	01.07.2009
58	S.K.Bhandari	01.06	61	01.07.2009
59	Bunul Lal Sharma	20.11	59	01.07.2010
60	Umesh Kumar	08.03	59	01.07.2010
61	Anshu Muhajan	11.02	61	01.07.2011

62	Ajay Kumar Singh	07.02.60	01.07.2011
63	D.N.Singh	08.03.61	01.07.2011
64	S.S.Sidhu	05.03.55	01.07.2011
65	B.R.Singh	28.01.60	01.07.2011
66	Buresh Gupta	26.05.59	01.07.2011
67	S.H.Kanwar	17.07.58	01.07.2011
68	Virender Kumar	29.04.63	01.07.2011
69	Azimul Haque	01.01.66	01.07.2011
70	Mukesh Prasad	22.02.62	01.07.2011
71	V.K.Harit	10.01.61	01.07.2011
72	Ramesh Chand Meena	16.01.57	01.07.2011
73	M.R.M.Rao	12.04.65	01.07.2011
74	S.K.Jain	18.04.65	01.07.2011
75	S.B.Shashank	14.02.63	01.07.2011
76	H.P.Singh	27.07.64	01.07.2011
77	Vijendra Singh	19.05.63	01.07.2011
78	Rashmi Singh	02.07.67	01.07.2011
79	Shashi Kaushal	26.01.63	01.07.2011
80	Sanjay Ghar	08.02.64	01.07.2011
81	Sohna Ram Kuraria	21.04.58	01.07.2011
82	Sanjay Kumar Jha	01.07.63	01.07.2011
83	Devesh Singh	08.08.62	01.07.2011
84	Chirdhari Lal Meena	15.01.59	01.07.2011
85	Kuldeep Pukhad	01.09.60	01.07.2011
86	Chokha Ram Garg	04.07.64	01.07.2011
87	Yashpal Garg	14.11.66	01.07.2011
88	P.K.Panda	03.12.65	01.07.2011
89	A.H.Talwade	12.01.65	01.07.2011
90	K.Mahesh	13.01.67	01.07.2011
91	Kuldeep Singh Gangar	04.04.62	01.07.2011

(3)

*A. K. Dutt*

Under Secretary to the Government of India

To  
The Manager,  
Government of India Press,  
Fazilabad,  
HARYANA.

Copy forwarded to -

1. Chief Secretary, Government of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110 002.
2. Principal Secretary (Services), Government of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110-002.
3. Chief Secretary, Andaman & Nicobar Islands Administration, Port Blair.
4. Administrator, Lakshadweep Administration, Kavaratti.
5. Administrator, Daman & Diu and Dadra & Nagar Haveli Administration, Moti Daman.
6. Union Public Service Commission, (Shri Dharmvir Sharma, Under Secretary (AUC), Dholpur House, Shahjahan Road, New Delhi, with reference to the Commission's letter No.F.1/24(3)/2012 AUC dated 9 April, 2012.
7. Personal file of officers concerned.
8. IT Cell, MHA for uploading this Notification on MHA (UT Division)'s website on priority basis.
9. Guard file.

(A.K. Das)

Under Secretary to the Government of India



88

Annexure - A-6

15/2

(To be published in the Gazette of India Part-I, Section-2)

No.14016/58/2001-JTS-II  
 Government of India  
 Ministry of Home Affairs

North Block, New Delhi - 110 001

Dated, the 21<sup>st</sup> February, 2003.NOTIFICATION

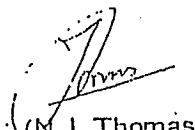
The President is pleased to appoint the following Grade-I (Selection Grade) officers of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service to the Junior Administrative Grade of the Service in the scale of pay of Rs.12,000-375-16,500/- with immediate effect in terms of sub-rules (3) to (5) of Rule 7 of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service Rules, 1996:-

Sl. No.	Name of officer (S/Shri)	Date of Birth	Remarks
1.	Omkar (SC)	09.02.1947	Proforma promotion under NBR
2.	R.K. Misra	13.12.1958	
3.	J.S. Sidhu	13.03.1959	Proforma promotion under NBR
4.	Krishan Kumar	25.12.1953	Proforma promotion under NBR
5.	R.N. Mangla	23.04.1958	
6.	V.K. Beniwal	22.07.1957	
7.	P.C. Jain	20.12.1958	Proforma promotion under NBR restricted to a maximum period of 6 months or till appointment to a cadre post in JAG of the Service whichever is earlier.
8.	Smt. Madhu K. Garg	27.01.1961	
9.	D.C. Rai (SC)	01.04.1944	

P.T.O.

10.	S.N. Mishra	15.12.1959	Proforma promotion under NBR
11.	Devender Singh	26.11.1961	
12.	Rakesh Bhatnagar	26.03.1959	
13.	Prem Chand (SC)	14.04.1944	Proforma promotion under NBR
14.	Lakhpal Ral Garg	05.08.1959	Proforma promotion under NBR
15.	S.K. Bhandari	01.06.1961	Proforma promotion under NBR
16.	Bansi Lal Sharma	20.11.1959	
17.	Basu Kumar	29.10.1949	
18.	Umesh Kumar	06.03.1959	Proforma promotion under NBR
19.	Cephas Jack (ST)	07.02.1943	
20.	J.P. Agrawal	05.06.1962	Proforma promotion under NBR
21.	Sudhir Mahajan	14.02.1961	
22.	G.G. Babapatra (ST)	01.07.1951	
23.	Ajai Kumar Singla	07.02.1960	Proforma promotion under NBR restricted to a maximum period of 6 months or till appointment to a cadre post in JAG of the Service whichever is earlier.
24.	D.N. Singh	08.03.1961	Proforma promotion under NBR
25.	S.S. Sidhu	05.01.1955	
26.	B.R. Singh	28.01.1960	
27.	Durga Das (SC)	10.10.1945	
28.	Suresh Gupta	25.06.1959	
29.	M.S. Poonam	05.07.1964	Proforma promotion under NBR
30.	S.S. Kanawal (SC)	17.07.1958	Proforma promotion under NBR
31.	Virender Kumar	29.04.1963	
32.	Azmul Haque	01.01.1966	Proforma promotion under NBR
33.	V.K. Gupta	10.09.1951	
34.	Mukesh Prasad	22.06.1962	Proforma promotion under NBR
35.	R.C. Meena (ST)	16.01.1957	Proforma promotion under NBR
36.	V.K. Harit (SC)	16.01.1961	Proforma promotion under NBR restricted to a maximum period of 6 months or till appointment to a

			cadre post in JAG of the Service whichever is earlier.
37.	M.R.M. Rao	12.04.1965	Proforma promotion under NBR restricted to a maximum period of 6 months or till appointment to a cadre post in JAG of the Service whichever is earlier.
38.	S.K. Jain	18.04.1965	Proforma promotion under NBR
39.	S.B. Shashank	14.02.1963	Proforma promotion under NBR
40.	H.P. Singh	27.07.1964	Proforma promotion under NBR
41.	Vijendra Singh	19.05.1963	
42.	K.K. Bhatia	01.03.1944	Proforma promotion under NBR restricted to a maximum period of 6 months or till appointment to a cadre post in JAG of the Service whichever is earlier.
43.	Mrs. Rashmi Singh	03.07.1967	Proforma promotion under NBR

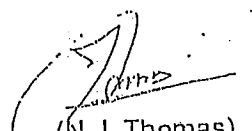
  
(N.J. Thomas)

Under Secretary to the Govt. of India

To  
The Manager,  
Government of India Press,  
Faridabad,  
Haryana.

Copy forwarded for information and necessary action to:-

1. Chief Secretary, Government of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi - 110 002
2. Chief Secretary, Andaman & Nicobar Islands Admn., Port Blair.
3. Administrator, Lakshadweep Admn., Kavaratti.
4. Administrator, Daman & Diu and Dadra & Nagar Haveli Admn., Moti Daman.
5. Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi - 110 011 with reference to the Commission's letter No.5/3(2)/2002-AIS dated 11<sup>th</sup> November, 2002.
7. Guard file.

  
(N.J. Thomas)

Under Secretary to the Govt. of India