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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1503/2002
M.A.NO.1921/2002

Tuesday, this the 4th day of June, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Manju Aggarwal w/o A.K. Aggarwal
52-A, Pkt.-C
Sidhartha Extn. Delhi-14
2. Vinod Kumar s/o R.N.Chandla
18-F DA Block Hari Nagar,
New Delhi
3. B.K.Sharma s/o L.P.Sharma
83/348, Sec.1, Gole Market,
New Delhi-1
4. Amar Singh s/o R.P.Singh
Vill. Salarpur
PO: Gegha, NOIDA
5. Naresh Kumar Gureja s/o D.N.Gureja
B-5/69-70, Sector-7
Rohini, Delhi-85
6. Anuradha Mittal w/o R.S. Mittal
G-1/45, Sector-15
Rohini, New Delhi-58

(By Advocate: Shri Deepak Verma)

..Applicants

Versus

1. The Secretary (Planning)
GNCTD, Delhi Sachivalya
Players Bldg., I.P.Estate
New Delhi-2
2. The Secretary,
Service Deptt. GNCTD
Delhi Sachivalya
Players Bldg., I.P.Estate
New Delhi-2
3. The Secretary
Delhi Subordinate Service Selection Board
UTCS Bldg. Behind Karkardoma Complex
Vishwas Ngr. Shahdara, Delhi-37

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

All the six applicants in the present OA, who are Data Entry Operators (DEOs) in Group 'C', aspire to get promoted to the next higher post of Assistant Programmer

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in the pay scale of Rs.5500-9000/- . The recruitment rules still in force provide for 100% recruitment to the post of Assistant Programmer by the direct recruitment. However, the aforesaid rules have been modified to provide for filling of 25% posts of Assistant Programmer by way of promotion from the post of DEO. The modified rules are yet to be notified though these have been approved already by the service department and, according to the learned counsel appearing on behalf of the applicants, the issue of notification after approval by the service department is only a formality to be completed, and no fresh decision is required to be taken by the respondents before the aforesaid rules are notified. The learned counsel also places reliance on Delhi Administration, Delhi (Service II Department) OM dated 30.11.1988, a copy of which has been placed before us for submitting that after the modified rules have been approved by the service department, the same are compulsorily required to be notified within four weeks *thereafter*.
~~2~~ ~~2~~ ~~2~~ The modified rules in question should have been notified some time in the middle of May, 2002. According to him, the delay which has taken place in notifying the modified recruitment rules cannot deprive the applicants of their right to be considered for promotion in accordance with the aforesaid modified rules. A representation has been filed by the applicants on 28.5.2002 containing ^{their} request that 25% of the vacancies notified in May, 2002 which work ^{out} to two vacancies should be kept vacant to be filled by promotion of the DEO Gr. "C" officials, like the applicants. The aforesaid notification provides for

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eight vacancies in the post of Assistant Programmer to be filled all by way of direct recruitment. According to the learned counsel appearing for the applicant, if the aforesaid modified rules are taken into account at least two (25%) of the aforesaid notified vacancies should have been set apart for being filled by way of promotion.

2. Having regard to the submissions made by the learned counsel and the aforesated facts and circumstances, we find that it would be just and proper to dispose of the present OA at this very stage itself even without issuing notices with a direction to the respondents to consider the aforesaid representation dated 28.5.2002 and to pass a reasoned and a speaking order thereon expeditiously. ^{3 and in any case within three months.} We further direct that until orders as above are passed, the appointments, if any, made to the post of Assistant Programmer, will be subject to the outcome of the decision taken by the respondents while passing ~~the~~ orders as above.

3. Present OA is disposed of in the aforesated terms.

Issue Dasti.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

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