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**Central Administrative Tribunal, Principal Bench**

**Original Application No. 2874 of 2002**

New Delhi, this the 28th day of April, 2003

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)**

1. Shri P.N. Kaul  
S/o Shri Jia Lal Kaul  
M-19B, Met Complex,  
Lodhi Road,  
New Delhi-3
2. Shri Satya Pal Singh Chauhan  
s/o Late Shri Sher Singh  
M-49-B, Met. Complex  
Lodhi Road, New Delhi-3
3. Shri Mahinder Singh  
s/o Shri Ram Krishan  
Z-496, Timarpur,  
New Delhi-54
4. Shri R.K. Dahiya  
s/o Shri Chotoo Ram  
348, Sector 7  
M.B. Road, New Delhi
5. Shri Pratap Singh  
s/o Late Shri Karan Singh  
613/5, Pushpa Vihar  
M.B. Road, New Delhi
6. Shri P.P. Lilariya  
c/o India Meteorological Department  
Mausam Bhawan, New Delhi
7. Shri Parshu Ram Prasad  
s/o Shri Shidayal Prasad  
RZ/D-28, Dwarikapuri  
Vijay Enclave, New Delhi-45
8. Shri Bhagwan Das Ahirwar  
c/o India Meteorological Department  
M.C. Bhopal
9. Shri Rajendra Prasad  
c/o India Meteorological Department  
Seismology, Dalhausie
10. Shri Bhagwan Chand  
c/o India Meteorological Department  
Seismology, Dalhausie
11. Shri Ram Lakhan  
s/o Late Shri Ram Narayan  
1347, Lodhi Road Complex  
New Delhi-3

12. Shri Krishan Kumar  
s/o Late Shri Durga Prasad  
229/Block-B/5,  
Sector 1, Rohini  
New Delhi

13. Shri Mange Ram Yadav  
c/o India Meteorological Department  
Mausam Bhawan,  
New Delhi

14. Shri Somesh C. Das  
c/o India Meteorological Department  
Mausam Bhawan,  
D.D.G.M.(UI) Testing Lab.,  
New Delhi

15. Shri Jeet Singh  
S/o Shri Ratan Chand Parihar,  
Village Malan,  
Post Dist: Kangra  
P/C-176047  
Himachal Pradesh

**.... Applicants**

(By Advocate: Shri M.N. Krishnamani, Sr. counsel with  
Shri Soumyajit Pani)

**Versus**

Union of India through:

1. The Director General of Meteorology  
India Meteorological Department,  
Government of India,  
Mausam Bhawan, Lodhi Road,  
New Delhi-3
2. The Deputy Director General of Meteorology  
(Administration & Stores)  
Indian Meteorological Department,  
Government of India,  
Mausam Bhawan, Lodhi Road,  
New Delhi-3

**.... Respondents**

(By Advocate: Shri Neeraj Goyal, proxy for Shri Adish C. Aggarwal)

**O R D E R (ORAL)**

**By Justice V.S. Aggarwal, Chairman**

The applicants allege that they were promoted to the post of Senior Observer from the post of Laboratory Assistant. By virtue of the impugned order of 30.9.2002, they were informed that their promotion to the post of Senior Observer from the post of Lab. Assistant has been



cancelled from 1.10.2002 because the promotion was found ab-initio defective as per DOP&T U.O.No.2726/Estt.(I)/02 dated 26.9.2002.

2. By virtue of the present application, the applicants seek quashing of the abovesaid order to be illegal, arbitrary and void ab-initio.

3. The facts, not in dispute, specifically state that earlier there were recruitment rules framed in the year 1987 called India Meteorological Department (Group 'C' and Group 'D' posts) Recruitment Rules, 1987. The reply of the respondents indicate that amendment to the recruitment rules is under consideration but the same as yet have not been amended. It further recites that DOP&T instructions indicate that if the recruitment rules are amended, the department should act as per the said instructions.

4. The settled principle in law is that the departmental instructions cannot override the statutory rules. At best, they can supplement them. If there are any rules which have to be amended and as yet have not been amended, the same will have no effect till such time the amendment is effected.

5. What is the position herein? There are rules which are still in force referred to above. The instructions when they run contrary to the rules, cannot be enforced and, therefore on basis of the said

*Ms Ag* *C*

instructions, the impugned order cannot be sustained.

6. Resultantly on this short ground, without going into any other controversy, we allow the present application and quash the impugned orders.

V.K. Majotra

( V.K. Majotra )  
Member (A)

V.S. Aggarwal

( V.S. Aggarwal )  
Chairman

 /dkm/