

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1612/2002

New Delhi this the 3rd day of September, 2004

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

All India Tourist Officers Association,
Through its President, Shri V.P. Gupta,
C-1, Hutments, Dalhousie Road,
New Delhi-110011.

Shri K.N. Thakur,
Assistant Director General,
Directorate General of Tourism,
Department of Tourism,
Ministry of Tourism and Culture,
Transport Bhawan,
New Delhi-110001.

Shri Vikas Rustagi,
Assistant Director General,
Directorate General of Tourism,
Department of Tourism,
C-1, Hutments, Dalhousie Road,
New Delhi-110011.
Applicants.

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(By Advocate Shri Prakash Gautam proxy counsel for Shri Rakesh Tiku)

Versus

Union of India,
Through the Secretary,
Department of Tourism,
Ministry of Tourism and Culture,
Transport Bhawan,
New Delhi-110001.

Director General (Tourism),
Department of Tourism,
Ministry of Tourism and Culture,
Transport Bhawan,
New Delhi-110001.

Union of India
Through the Secretary,
Department of Personnel and Training,
North Block,
New Delhi.

Shri K. Rawal,
Under Secretary,
Department of Tourism,
Ministry of Tourism and Culture,
Transport Bhawan,
New Delhi-110001.

Shri Kuldeep Kumar,
Under Secretary,
Department of Tourism,
Ministry of Tourism and Culture,
Transport Bhawan,
New Delhi-110001.

Shri D.D. Mathur,
Deputy Director,
Market Research,
Department of Tourism,
Ministry of Tourism and Culture,
C-1, Hutments, Dalhousie Road,
New Delhi-110011.

Mr. Rakesh Sharma,
Deputy Director,
Raj Bhasha,
Department of Tourism,
Minsitry of Tourism and Culture,
C-1, Hutments, Dalhousie Road,
New Delhi-110011.
Respondents.

(By Advocate Shri M.M. Sudan)

ORDER (ORAL)

Justice V.S. Aggarwal:

The applicants had filed the present petition seeking a relief to strike down the revised guidelines for foreign postings issued in December, 2001 to the extent that it restricts the zone of consideration for foreign postings only for officers having been appointed in substantive grade of pay. It is also prayed that respondents 4 to 8 are not entitled and eligible for being considered for foreign postings to the post of Assistant Director General/Director.

Aggarwal

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2. The petition was being contested.
3. Today, the official respondents had brought to our notice the Office Memorandum of 8.4.2004, which reads as under:

“Subject: Posting of officers as Director’s Indiatourism Abroad.

The undersigned is directed to refer to Department of Personnel & Training’s OM No. 16/1/2004-E-1 (Admn.II) dated 24.3.2004 on the above subject and to say that as regards the delay in submission of proposal of extension of Shri K.R. Arya, it is stated that necessary reply has already been sent to DOPT vide this Department OM No. A-22012/6/2000-Admn-1 dated 22.3.2004 (copy enclosed).

As regards the broad base the field for selection for the overseas posting under Department of Tourism it is stated that the matter has been examined in this Department and following are submitted:

- (a) Transfer/Posting of officers in Indiatourism overseas are not a selection post. These offices have specific grade-wise sanctioned posts and these are borne on the cadre of this Department.
- (b) There exists separate Recruitment Rules of each post of the Department taken into account the post sanctioned for Indiatourism overseas.
- (c) As per the R/Rules for the post of Director (Re-designated as Assistant DG), this post is filled up in the following manner:

Promotion	50%
Deputation	25%
Direct Recruit	25%

- (d) As regards DDG/RD, Recruitment Rules provide for the following method:

Promotion	75%
Deputation	25%

Therefore, it is stated that R-Rules for the post of Director (Re-designated as Assistant DG) and DDG/RD provides for recruitment from a wide range of officers of Central Government/State Government/Autonomous Bodies etc. Thus, it is



already amply broad based. At the same time it is observed that since posts sanctioned in overseas officers are regular cadre posts of this Department hence any transfer/posting in these offices can only be done among the officers of the cadre. Considering any officer who is not borne on the strength of this Department's cadre for transfer/posting in overseas offices would amount violation of statutory R/Rules.

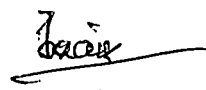
It is, therefore, requested that approval of ACC for posting of S/Shri J.P. Shaw to Indiatourism, Johannesburg; Vikas Rustagi to Indiatourism, Los Angeles and K.N. Thakur to IT, Singapore as per original proposal may kindly be communicated at the earliest so that need for making further extension for present incumbent does not arise.

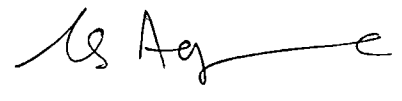
Sd/-

(Kuldeep Kumar)

Under Secretary to the Govt. of India"

4. Learned counsel stated that henceforth the said guidelines have to be taken into consideration for foreign postings. Keeping in view the revised guidelines that have been issued, the learned counsel stated that if necessary the applicants will assail the same in accordance with law and accordingly as for present, subject to aforesaid, he does not press the petition. Resultantly, with liberty to the applicants to take recourse under law, if necessary, we dispose of the present petition.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

'SRD'