

Central Administrative Tribunal, Principal Bench

Original Application No. 1473 of 2002

M.A.No. 1192/2002

(2)

New Delhi, this the 31st day of May, 2002

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

1. Pramod Pal Singh S/o Shri Amul Singh
Aged 37 years
R/o 742, Aliganj,
Lodhi Road, New Delhi-3
2. Udhamp Singh s/o late Shri Mahipal Singh
Aged 30 years, R/o B-3/190
Raghubeer Nagar, New Delhi-27
3. Sunil Kumar S/o Shri O.P. Chaudhary
Aged 30 years, R/o B-M/77
Shalimar Bagh (West)
Delhi-88
4. Ms. Kanchan Rathoria
D/o Shri C.B. Rathoria, aged 23 years
R/o 400, Lancer's Road, Timarpur
Delhi-54
5. Kuldeep Sharma s/o Shri S.S. Sharma
Aged 26 years
R/o WZ-408A, Gali No. 8, Sadh Nagar,
Palam Colony, New Delhi-45
6. Sanjay Kumar S/o Shri Sri Pal
Aged 28 years,
R/o S-III/564A, R.K. Puram,
New Delhi-22
7. Baljit Kumar S/o Shri Jasvinder Pal
Aged 23 years
R/o 17/58, Dakshin Puri,
New Delhi-62

.... Applicants

(By Advocate: Shri J.N. Prasad)

Versus

1. Union of India, through
The Secretary to the Govt. of India
Dept. of Agriculture and Co-operation
Ministry of Agriculture, Krishi Bhawan,
Dr. R.P. Road, New Delhi-1
2. The Economic and Statistical Advisor (ESA)
Directorate of Economics and Statistics,
Dept. of Agriculture and Co-operation
Krishi Bhawan, Dr. R.P. Road,
New Delhi-1
3. The Under Secretary (Vigilance)
Dept. of Agriculture and Co-operation
Ministry of Agriculture, Krishi Bhawan,
Dr. R.P. Road, New Delhi-1

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4. The Chief Administrative Officer
Dept. of Agriculture and Co-operation
Ministry of Agriculture, Krishi Bhawan,
Dr. R.P. Road, New Delhi-1

5. The Principal Private Secretary to
the Secretary (A&C),
Dept. of Agriculture and Co-operation
Ministry of Agriculture, Krishi Bhawan,
Dr. R.P. Road, New Delhi-1

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

M.A.1192/2002 for joining together in a single
OA, is allowed.

2. Eight vacancies in the post of Computer were notified by the respondent department for being filled by direct recruitment in 1999. After following the due procedure, seven applicants in the present OA were selected. But before they could be appointed, the respondents declared the selection process as null and void by issuing a letter dated 18.3.99 (Annexure A-3). The aforesaid decision was taken ~~on the basis of~~ in view of certain complaints of irregularities etc. The aforesaid decision dated 18.3.99 was challenged before this Tribunal in OA No.607/2000. By an order passed on 14.5.2001 (Annexure A-5), the Tribunal dismissed the OA. Against the aforesaid order of this Tribunal, the applicants went up before the Delhi High Court in C.W.P. No.5977/2001. While the aforesaid C.W.P. was still pending, the respondents proceeded to abolish the posts of Computers vide their order of 31.5.2001 (Annexure A-1). Taking note of the aforesaid decision, the High Court dismissed the C.W.P. with the following observations:

"When the matter was called on, our attention has been drawn to an order dated 31st May, 2001

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passed by the Chief Administrative Officer of the Directorate of Economics and Statistics that seven posts of Computers were abolished with immediate effect. Dr. Shyamla Pappu, learned senior counsel appearing on behalf of the petitioners, however, would submit that the aforementioned order is mala fide, particularly having regard to the fact that the respondents had undertaken before the learned Tribunal to keep these posts vacant till the disposal of the OA. Be that as it may, we are of the opinion that so far as this court is concerned, this writ petition has become infructuous at this stage in view of the fact that the posts no longer exist. The petitioners may, however, question the said order of abolition before the learned Tribunal by filing an appropriate OA. Upon disposal of this application, in the event, if any cause of action arises, the petitioners herein may file an appropriate application for revival of this writ petition.

The petition stands disposed of."

3. The applicants are before us in pursuance of the liberty granted to them by the High Court in their observations reproduced above. The short matter to be decided in this case, according to the learned counsel appearing on behalf of the applicants is, whether the abolition of posts ordered vide respondents' order dated 31.5.2001 (Annexure A-1) is based on malafide considerations aimed at thwarting the applicants who are aspirants for the job of Computer.

4. We have considered the submissions made by the learned counsel and have perused the impugned order dated 31.5.2001. We find that the impugned order not only abolishes the seven posts of Computers which have remained vacant but also the 8th post which was then occupied by a certain incumbent. There is no whisper of malafide in the aforesaid order. A decision to create posts or to abolish posts is necessarily a policy decision of the Government. In normal course, therefore, we are not expected to

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interfere in the matter. We are, in the present case, not convinced that the respondents' action in question is informed by malafide or extraneous considerations. On the other hand, it appears to us that the impugned order has been passed in order to effect economy in expenditure.

5. In the light of the foregoing, we find no substance nor any merit in the present OA. We accordingly proceed to dismiss it in limine.

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

(Ashok Agarwal)
Chairman

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