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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2453/2002

New Delhi this the 20th day of September, 2002.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN

HON'BLE SHRI M.P. SINGH, MEMBER (A)

Mr.V.V.Krishna Sarma
Stenographer Grade-II
Song & Drama Division
Ministry of I & B, Government of India
Soochna Bhawan
CGO Complex, Lodhi Road,
New Delhi-110003. Applicant

(Applicant in person)

-versus-

Union of India through

- (1). The Secretary
Ministry of I & B, Government of India
Shastri Bhawan
New Delhi-110001.
2. Director,
Song & Drama Division,
Ministry of I&B, Government of India
Soochna Bhawan
CGO Complex, Lodhi Road,
New Delhi-110003.
3. Shri P.M.George
Deputy Director (Admn.)
Song and Drama Division,
Ministry of I & B, Govt. of India
Soochna Bhawan
CGO Complex, Lodhi Road,
New Delhi-110003.
4. Shri N.Chatterjee
Superintendent
Song & Drama Division
Min. of I&B, Govt. of India
Soochna Bhawan
CGO Complex, Lodi Road
New Delhi-110003. Respondents

O R D E R (ORAL)

Justice V.S. Aggarwal:-
Applicant (V.V.Krishna Sarma) was appointed as

V.S. Aggarwal

(3)

Stenographer Grade-III in June 1982. He was promoted as Stenographer Grade-II on 11.7.1997.

2. By virtue of the present application, he prays for setting aside of the Memorandum dated 5.7.2000 issued by the Deputy Director of Song and Drama Division Ministry of Information and Broadcasting and for a direction to take appropriate action for amending the recruitment rules for the post of Superintendent in Song and Drama Division lowering the qualifying service from five years to three years in respect of one feeder grade i.e. Stenographer Grade-II and increase the qualifying service from five to six years in respect of other two feeder grades i.e. Accountant and Technical Assistant. He further seeks a direction to the respondents to fix the quota among the three feeder grades i.e. Stenographer Grade-II, Technical Assistant and Accountant for promotion to the post of Superintendent in Song and Drama Division. He further claims that amended recruitment rules should be made effective retrospectively and that the promotion of respondent No.4 should be quashed.

3. After careful consideration of the questions agitated by the applicant in person, we find ourselves unable to agree with the submissions so made. Admittedly for the post of Superintendent

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in Song and Drama Division, the qualifying service prescribed is five years as a Stenographer Grade-II. The applicant contends that a direction should be issued that the qualifying service should be three years and it should be made effective retrospectively. We find no reason to give such a direction because it is basically the decision to be taken by the concerned department/Ministry. The concerned department or Ministry has to consider as to what would be the appropriate minimum qualifying service in this regard. In the absence of any cogent reasons which have not been shown to us, we find no reason as to why such a direction in a purely administrative matter would be called for.

4. In that event, it has been urged by the applicant that a quota should be fixed among the three feeder grades of Stenographer Grade-II, Technical Assistant and Accountant in this regard. Even on that count, a perusal of the letter written by the Grievance Officer to the applicant dated 10.7.2000 shows as under:-

"3. So far as fixing the quota for feeder cadre Sr. Steno, T.A. and Accountant, as per DP&T's circular, has to be done in a manner so that the post carrying higher pay scale can be given proper weightage. Recommendation has already been made to the administration to that effect. The implementation on the part of the administration may take some time. After lapse of a reasonable period, if nothing happens, you may approach the undersigned again."

It is abundantly clear from the aforesaid that the

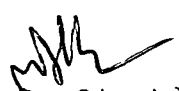
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matter in fact is under consideration and once the matter pertaining to it is under consideration of the department/Ministry, it is at this stage premature to consider the present applicant and pass any directions.

5. Lastly, it has been contended that the promotion of respondent No.4 should be stayed. It has not been shown that he was not qualified and once he was qualified and the applicant was not so qualified, the right of the applicant so as to make a grievance is uncalled for because respondent No.4 has been appointed in accordance with the rules.

6. For these reasons, the application being devoid of any merit must fail and is dismissed in limine.

Announced.


(M.P. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/sns/