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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 2041/2002
M.A.NO. 1679/2002

Tuesday, this the 6th day of August, 2002

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

1. Chunilal (Technician)
D-2 Sector-2, Noida-201301
2. Pradeep Kumar (Technician)
D-2 Sector-2, Noida-201301
3. Ravi Kumar (Technician)
D-2 Sector-2, Noida-201301
4. Vinoy Kumar Vaid (Technician)
D-2 Sector-2, Noida-201301

..Applicants

(By Advocate: Shri S.C. Soren)

Versus

1. India Govt. Mint
D-2, Sector-1, Noida
through its G.M.
2. Union of India
Ministry of Finance
Deptt. of Economic Affairs
(Coin & Currency)
North Block, New Delhi
through its Secretary

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

MA-1679/2002 for joining together in a single OA
is allowed.

2. The applicants, who are Technicians in the Govt. of India Mint at Noida, look forward to get ^{promotion} promotion to the post of Assistant Engineer (AE). The relevant recruitment rules provide for 25% of vacancies to be filled by way of promotion and the remaining 75% by direct recruitment. The applicants are eligible in accordance with the aforesaid rules for promotion under

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the aforesaid 25% quota. It so happens that the applicants have already benefited under the ACP Scheme and are presently drawing pay and allowances in accordance with the pay scale of AEs.

3. As against the aforesaid recruitment rules notified on 18.11.1988, the respondents have thought of modifying the same by providing for filling of 75% vacancies by way of promotion and the remaining 25% by direct recruitment. Such a modified rule, whenever enacted, will benefit the applicants herein. The Govt. of India Mint at Noida in which the applicants are employed had drafted the modified rule and had sent the same to the Ministry of Finance on 15.2.2000 and the same was re-submitted with some modifications again on 27.11.2000. Though a period of more than one and half years has since passed, the Ministry of Finance has not notified the modified rules so far. In result, the applicants' chances of promotion to the post of AE remain low in view of the lower quota of 25% currently in force for purposes of promotion. The learned counsel appearing on behalf of the applicants submits that the respondents have, in the meanwhile, proceeded to issue an advertisement in the Employment News dated 18/24.5.2002 inviting ~~posting~~ applications for filling up ~~of~~ four posts of AE by direct recruitment method. The applicants' case is that if the respondents are allowed to fill up the aforesaid four posts by way of direct recruitment, the applicants herein will not be able to claim adequate benefit under the modified rules whenever the same are notified. Accordingly, a prayer has been made for

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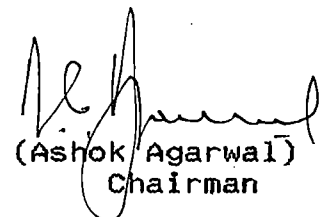
staying the proceedings of the aforesaid recruitment. Aggrieved by the aforesaid advertisement as also by the delay in the notification of the modified rules, the applicants have made several representations. A legal notice has also been served on the respondents on 18.6.2002. Sometime in July, 2002, the respondents have reacted in the matter by informing the applicants that the matter was receiving consideration.

4. Having regard to the submissions made by the learned counsel, we find that the interest of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the present OA as a further representation made on behalf of the applicants and to pass a reasoned and a speaking order in the matter by taking into account such other representations as might have been filed expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. We direct accordingly. We also direct that unless the exigencies of public service so oblige the respondents, they will not proceed to make appointments in pursuance of the aforesaid advertisement. However, if appointments are made by the respondents in the exigencies of public service, such appointments will be subject to the orders to be passed by the respondents as above.

5. The present OA is disposed of in the aforestated terms.


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

/sunil/


(Ashok Agarwal)
Chairman