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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1482/2001

This the 19th day of December, 2001.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. Chander Ram S/O Satyanarayan,
R/O 1002, Lodhi Road Complex,
New Delhi-110003.
2. V.K.Chopra S/O K.L.Chopra,
R/O House No.193/R, Arambagh,
New Delhi.

... Applicant

(By Shri B.B.Raval, Advocate)

-versus-

1. Union of India through
Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. Secretary (R),
Cabinet Secretariat,
Government of India,
Room No.7, Bikaner House Annexe,
Shahjehan Road,
New Delhi-110011.

... Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

The applicants have challenged the respondents' memo dated 11.12.2000 (Annexure-A) whereby representation of applicant No.1 seeking increase in the quota of promotion from the post of Assistant Field Officer (GD) {AFO(GD)} to the rank of Deputy Field Officer (GD) {DFO(GD)} has been rejected. They have also challenged memo dated 18.5.2001 (Annexure-C) whereby applicant No.1's representation dated 25.4.2001 seeking diversion of posts from Limited Departmental Competitive Examination (LDCE)/direct recruitment quota has been

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rejected. The applicants have further assailed respondents' circular memo dated 16.4.2001 (Annexure-B) inviting applications for LDCE for promotion of AFOs (GD) to the rank of DFOs (GD) against 31 vacancies of DFOs (GD). The applicants have sought quashing of Annexures A, B and C and restoration of quota of promotion and direct recruitment of DFOs (GD) to 50:50 with immediate effect and further direction to the respondents to consider the applicants for promotion against the 50% quota for promotion in accordance with their seniority.

2. The learned counsel of the applicant stated that as per the Research and Analysis Wing (Recruitment, Cadre and Service) Rules, 1975 (hereinafter referred to as the 1975 rules) the applicants' next promotion is to the rank of DFO (GD). He contended that as per these rules the mode of recruitment is 50% by promotion and 50% by direct recruitment. The learned counsel stated that the respondents have started holding LDCEs very recently to the detriment of the interests of applicants as they are not in a position to compete with younger officers in the age group of 30-35 years. According to him, if such examinations were held when the applicants had completed five years of service or so, they would have certainly been selected to the higher post.

3. The learned counsel of the respondents, on the other hand, contended that ever since the formation of Research and Analysis Wing (RAW), there has been no occasion when the quotas for promotion and direct recruitment for the post of DFO(GD) were fixed at 50:50.

He stated that whereas RAW came into existence in 1968, its rules came into effect from 21.10.1975. The mode of filling up of the post of DFO(GD) was 25% by promotion of direct entrants, 50% by direct recruitment and 25% by deputation or re-employment of retired government servants. After the cadre review of 1989, the mode of recruitment of DFO(GD) was changed to 25% by promotion of direct entrants and 75% by direct recruitment. On the basis of cadre review 1992-97, the mode was further revised to 75% by direct recruitment, 17% by promotion of direct entrants and 8% by promotion through LDCE. These provisions were further revised in September, 2000 whereby the direct recruitment quota was reduced to 70%, 22% posts were to be filled by promotion of direct entrants and 8% by promotion through LDCE. The concept of LDCE was introduced in 1997 with the objective of providing promotional prospects to deserving AFOs(GD) and also for meeting the functional requirements of the organisation. Applicant No.1 had appeared in the LDCE for promotion to the grade of DFO(GD) conducted in 1998. He failed. He appeared again in the 1999 LDCE. He could not make the grade in this examination either. He did not apply for the LDCE held in 2000. The learned counsel stated that the AFOs(GD) had joined the service in the rank of Field Assistant (FA) where minimum prescribed educational qualification was matric/non matric. A DFO is required to hold independent charge of RAW's field units and communicate with the headquarters. The experience of the respondents is that a substantial number of promotees to the rank of DFO(GD) are unable to meet the functional requirements of the organisation and

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are not fit to do analytical/operational work at SBx and headquarters due to lack of communication skills. Therefore, the respondents in order to engage talented AFOs(GD), introduced the element of LDCE in 1997 by allocating 8% of the total sanctioned strength of DFOs(GD), and the first LDCE was held in May, 1998.

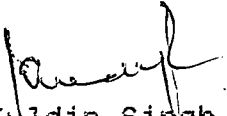
4. We have seen the confidential records produced by the respondents relating to the 1975 rules as modified from time to time. We have also seen the result sheets of the LDCE, wherein applicant No.1 had appeared and did not make the grade. We find that the promotional quota for AFOs(GD) to the post of DFO(GD) was never 50%. The contention of the respondents regarding the mode of filling up the post of DFO(GD) as revised from time to time has been found to be true from the records produced by the respondents. The contention of respondents regarding the failure of applicant No.1 in the LDCEs held in 1998 and 1999 is also established from the records produced by the respondents. The concept of holding LDCEs was introduced in 1997. Therefore, the question of holding such an examination during the early years of establishment of RAW does not arise at all.

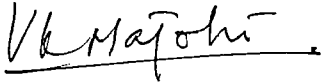
5. As per the rules of 1975 as revised from time to time, the promotion quota for the post of DFO(GD) has never been 50%. The question of restoration of such quota, as claimed by the applicants, does not arise at all. Applicant No.1 had participated in the LDCEs held in 1998 and 1999 and not challenged the action of the respondents in holding the LDCE. Respondents have given

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their reasons for their policy decision of conducting the LDCE for promotion to the post of DFO(GD) which cannot be interfered with by this Tribunal.

6. Having regard to the above discussion, we find that the applicants have failed in establishing their claims. The OA is dismissed accordingly. No costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/