

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 244/2001  
MA No. 572/2001

New Delhi, this the 27th day of September, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. M.P. SINGH, MEMBER (A)

Shri V.K.Uniyal  
S/o Shri J.K.Uniyal  
R/o Flat No.219 (SFS), DDA  
Pocket 6/3, Nasir Pur  
Dwarka, New Delhi-110045.

... Applicant

(By Advocate Shri M.K.Gupta)

V E R S U S

1. Union of India  
Through its Secretary  
Ministry of Home Affairs  
North Block  
New Delhi-110001.
2. The Principal Director  
Special Service Bureau  
Ministry of Home Affairs  
East Block-5  
R.K.Puram  
New Delhi.
3. The Special Secretary  
Cabinet Secretariat  
Bikaner House Annexe  
Shahjahan Road  
New Delhi-110 003.
4. Brig. I.N.Bhatia  
Deputy Director (CC)  
SSB Directorate  
East Block-5  
R.K.Puram  
New Delhi.

... Respondents

(Shri P.P.Ralhan, proxy for Shri J.B.Mudgil,  
advocate)

ORDER (ORAL)

M.P.Singh, M(A):-

The applicant who is working as Assistant Director  
(Cipher Computer) claims that he is eligible for being  
considered for promotion to the post of Deputy Director

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(CC). According to the recruitment rules for the post of Deputy Director (CC), Assistant Director with 8 years of service is eligible for consideration for promotion to the aforesaid post. Respondent No.4 was taken on deputation from Army as Deputy Director (CC) in the scale of Rs.5100-6150 (pre-revised) with effect from 30.10.1996. Thereafter he was treated to be appointed in the said post on re-employment basis w.e.f.13.12.1996 and upto 31.10.2000 subject to the successful completion of probation period of 2 years, or until further orders whichever was earlier. Thereafter the respondents have extended the tenure of respondent No.4 by another two years by the impugned order dated 1.10.1999. The applicant has submitted his representation to respondent No.2 to consider him for promotion to the post of Deputy Director (CC). His representation has not been considered by the respondents. Hence he has filed this OA seeking to quash the impugned order dated 1.10.1999 whereby respondent No.4 has been permitted to continue in service till 31.10.2002 with all consequential benefits. He has also sought a direction to the respondents to consider him for promotion to the post of Deputy Director (CC) with all consequential benefits.

2. The respondents in their reply have stated that to fill up the post of Deputy Director (CC) on deputation basis, Cabinet Secretariat invited nominations from all Ministries/Departments/State Governments including the Directorate General of Re-employment, Ministry of

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Defence. Amongst nominations received from the Ministry of Defence, Brig. I.N.Bhatia, respondent No.4 was selected on the basis of his experience and expertise in the field of cipher and computer and the proposal was referred to DOP&T for obtaining approval of the ACC which was conveyed on 18.9.1996. Accordingly Brig.I. N. Bhatia was appointed to the post of Deputy Director (CC) in SSB in the pay scale of Rs.5100-6150 on deputation basis for a period upto 31.10.1996 w.e.f. the date of assumption of charge of the post and, thereafter, on re-employment basis for the period upto 31.10.2000 i.e. upto the age of 58 years subject to successful completion of probation period of two years and until further orders whichever was earlier. In the meanwhile the Government raised the age of superannuation by two years in respect of all Central Government employees and as per the order of ACC on successful completion of probation period of two years on 13.12.1998, Cabinet Secretariat issued orders on 1.10.1999 for the successful completion of probation period on 13.12.1998 for continuance of his re-employment upto the revised age of superannuation upto 31.10.2002 at 60 years.

3. Heard the learned counsel for the rival contending parties.

4. During the course of arguments, the learned counsel for the applicant submitted that respondent No.4 was appointed as Deputy Director <sup>with effect from 2</sup> ~~upto the period of~~

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30.10.1996, Thereafter he was treated to be appointed in the said post of Deputy Director on re-employment basis w.e.f.13.12.1996 and upto 31.10.2000. The applicant became eligible for consideration for the aforesaid post of Deputy Director (CC) in 1999 which being only a single post, he should have been considered for promotion to that post. He also submitted that approval of the ACC is required to be obtained for the extension of time of two years which does not appear to have been obtained by the respondents. On the other hand, the learned counsel for the respondents stated that the earlier tenure upto 31.10.2000 was with reference to his date of retirement at the age of 58 years. In May 1998, the age of retirement was raised to 60 years and accordingly respondent No.4 was entitled to continue in the present organisation upto the age of superannuation i.e. 60 years. Accordingly his tenure was extended from 31.10.2000 to 31.10.2002. He also submitted that in his case, the approval of the ACC is not required as the post is below the rank of Joint Secretary to the Government of India and the approval is required to be obtained only for appointment to the post of Joint Secretary to the Government of India and above.

5. After perusing the original record produced by the learned counsel for the respondents before us, we find that the appointment of respondent No.4 to the post of Deputy Director (CC) was initially on deputation basis and thereafter on re-employment basis upto the age of 58




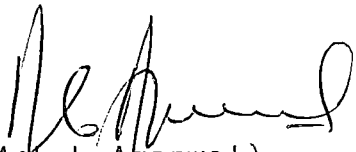
years. Since the age of retirement has been raised for all Central Government employees upto 60 years, employment of Brig. I.N.Bhatia was also extended up 60 years. We also find that the approval for extending the tenure of respondent No.4 does not require the approval of the ACC. Therefore, the order issued by the respondents on 1.10.1999 extending the tenure of respondent No.4 upto 31.10.2002 is fully justified. We do not find any ground to interfere in the OA.

6. In view of the above position, we do not find any merit in this OA. The same is accordingly dismissed with no order as to costs.

MA No.572/2001

In view of the aforesaid order, MA No.572/2001 also stands disposed of.

  
(M.P. Singh)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sns/