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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2755/2001

New Delhi, this the 12th day of September, 2002.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

1. K.C. Lohani S/O Nand Kishore Lohani,
Private Secretary,
Directorate General of Armed Forces
Medical Services, Ministry of Defence,
M-Block, Room No.28,
New Delhi-110001.
2. Lekh Raj Singh S/O D.P. Singh,
Private Secretary,
Directorate of Signals (Air),
Air Headquarters,
Ministry of Defence,
Room No.514, Vayu Bhawan,
New Delhi-110011.

... Applicants

(By Shri Anil Amrit, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.
2. Joint Secretary (Trg) and
Chief Administrative Officer,
Ministry of Defence,
C-II Hutsments, Dalhousie Road,
New Delhi-110011.
3. Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
(Department of Personnel & Training),
North Block, New Delhi.
4. Shri B.S. Kalsy,
Principal Private Secretary,
C/o Directorate of Works,
Naval Headquarters,
Ministry of Defence,
Room No.37, A Block,
DHQ PO, New Delhi-110011.

... Respondents

(By Ms. Harvinder Oberoi, Advocate)

ORDER

Shri V.K. Majotra, Member (A) :

Applicants have assailed Annexure A-1 dated 7.9.2000
whereby 19 Private Secretaries have been approved for
in situ promotion to the level of Principal Private



Secretary (pay scale Rs.10000-15200) against temporarily upgraded posts of Principal Private Secretaries w.e.f. 21.8.2000 to the exclusion of applicants. They have also challenged Annexure A-2 dated 22.6.2001 whereby respondents have rejected their representations for grant of in situ promotion to the level of Principal Private Secretary on personal basis.

2. Briefly stated, the facts of this case are that applicants are working as Private Secretaries (scale : Rs.6500-10500). The Government in consideration of acute stagnation in the cadre of Armed Forces Headquarters (AFHQ) Stenographers Service decided as a one-time measure to upgrade 20 posts of Private Secretaries to the level of Principal Private Secretary with a view to remove such stagnation by according appointment to the higher level in situ without any change in the job content and responsibilities. Vide letter dated 21.8.2000 (Annexure A-7), Government decided temporary upgradation of 19 posts of Private Secretaries to the grade of Principal Private Secretary on personal/in situ basis covering all the Private Secretaries included in the select lists for the years up to 1988, and also two SC/ST officers included in the subsequent lists up to 1992, to make up the deficiency in their share as per the post-based roster.

3. The learned counsel of applicants contended that as per Annexure A-4 dated 30.11.1989 which is the select list of Stenographers Grade 'C' approved for promotion to Stenographers Grade 'B' on the basis of Limited Departmental Competitive Examination (LDCE) held by UPSC in 1988 result whereof was declared in November, 1989,

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applicants were placed in the select list and as per draft seniority list of Private Secretaries as on 1.5.2000 (Annexure A-9), applicants are senior to respondent No.4, Shri B.S.Kalsy. Whereas applicants are at Sl. Nos.52 and 53 respectively, respondent No.4 is at Sl. No.54. However, whereas respondent No.4 has been accorded *in situ* promotion as per Annexure A-1, applicants have been left out. The learned counsel stated that impugned orders dated 7.9.2000 and 21.6.2001 are liable to be quashed and applicants should be granted *in situ* promotion to the level of Principal Private Secretary w.e.f. 21.8.2000 with consequential benefits.

4. On the other hand, the learned counsel of respondents stated that *in situ* promotion was not vacancy-based but an opportunity for quicker promotion to the next higher level of Principal Private Secretary to Private Secretaries who had stagnated and were included in the select list for the years up to 1988 and also to two SC/ST officers included in the subsequent lists up to 1992. The learned counsel stated that computation of eligibility was to be related to declaration of result of the selection held on the basis of LDCE held in 1988. Such result, as per Annexure A-4, was declared on 30.11.1989. Applicants having been included in the select list on the basis of LDCE held in 1988 whose result was declared in November, 1989, could not be considered as they were not included in the select lists for the years up to 1988. Stagnation, according to the learned counsel, should have been for an actual working for a period of 12 years up to 2000 which is absent in the case of applicants whose eligibility commences from November, 1989 when the result of the LDCE held in 1988 was declared.



5. Annexure A-4 is the select list of Stenographers Grade 'C' on the basis of LDCE for promotion to the post of Stenographers Grade 'B' held in 1988. The select list became effective only on 30.11.1989 when the result of LDCE, 1988 or the select list was declared. Those included in the select list could not have started functioning as Stenographers Grade 'B' from a date earlier than 30.11.1989 when the select list was declared. Naturally, their eligibility under Annexure A-7 could be considered taking into consideration their inclusion in the select list. As applicants were not included in the list for the years up to 1988, they could not have been considered for in situ promotion. On the other hand, respondent No.4 was promoted to the grade of Private Secretary on 4.12.1986 and thus was eligible for consideration. Applicants' claim for in situ promotion on the basis that their juniors had already been promoted in situ is untenable. It is for certain that applicants did not meet the specific terms and conditions laid down in Annexure A-7 dated 21.8.2000 relating to the subject of in situ promotion of Private Secretaries to the level of Principal Private Secretary as personal to incumbents.

6. Having regard to the reasons stated above, we do not find merit in this O.A. which is dismissed accordingly. No costs.

V.K. Majotra,
(V. K. Majotra)
Member (A)

V.S. Aggarwal
(V. S. Aggarwal)
Chairman

/as/