

Central Administrative Tribunal  
Principal Bench

O.A. No. 640 of 2001.  
M.A. No. 560 of 2001

New Delhi, dated this the 27th February, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Sh. A.K. Jain,  
S/o Shri M.C. Jain,  
Technical Examiner, CVC,  
Satarkta Bhawan,  
INA Market,  
New Delhi.  
R/o C-137, Vivek Vihar,  
Delhi -95
2. Sh. K.S.P.S. Tomar,  
S/o Late Shri M.P. Singh,  
Deputy Secretary,  
Ministry of Rural Development,  
Krishi Bhawan,  
New Delhi-1.
3. Sh. Devendra Kumar Singh,  
S/o Sh. T.P. Singh,  
Welfare Commissioner,  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
New Delhi.  
R/o C-407, UNESCO Allpartments,  
Plot 1No.55, I.P. Extension,  
Delhi.-92
4. Shri S.N. Srivastava,  
S/o Shri S.N. Srivastavaq,  
Deputy Director,  
D.G.H.S. (PROC Cell)  
Nirman Bhawan,  
New Delhi- 11  
R/o A-232, Laxmi Bai Nagar,  
New Delhi. 23
5. Shri Dinesh Kumar Singh,  
S/o Shri D.K. Singh,  
A.G.M.,  
Kendriya Bhandar,  
Pushp Vihar,  
New Delhi.  
  
R/o 24-C, Evershine Apartments,  
D-Block, Vikaspuri,  
Delhi-18
6. Sh. P.K. Kanchan,  
S/o Sh. M.R. Kanchan,  
Deputy Director,  
Department of Economic Affairs,  
New Delhi-1

R/o 31-A, Arjun Apartments..

F-Block, Vikaspuri,  
Delhi -58  
... Applicants.

(By Advocate: Shri K.N.R.Pillai)

Versus

1. Union of India through the Secretary, Deptt. of Personnel & Training, New Delhi.
2. Union Public Service Commission, through its Secretary, Shahjahan Road, New Delhi..
3. Union of India through the Secretary, Ministry of Commerce, Udyog Bhavan, New Delhi.
4. The Director General, Supplies & Disposals, 5, Sansad Marg, New Delhi-110 001

... Respondents.

(By Advocate: Shri Vijay Pandita )  
ORDER (Oral)

S.R. ADIGE, VC (A)

Applicants challenge DOPT's OM dated 6.6.2000

(Annexure-A1) and OM dated 20.12.2000 (Annexure.A2) whereby the qualification of 4 years' regular service in the so far non-existent non-functional scale of Rs.12,000-16,500/- has been prescribed, such that a total of 9 years' regular service in the two grades of Executive Engineer is required for promotion to Superintending Engineer in the scale of Rs.14300-18,300/-.

2. We have heard applicants' counsel Shri K.N.R.Pillai and respondents' counsel Shri M.M.Sudan.

3. Shri Pillai informs us that presently a qualification of 5 years' regular service as Executive Engineer is required for promotion as Superintending Engineer, and applicants who are on the verge of completing five years' regular service as Executive Engineers will become eligible for consideration for promotion as Superintending Engineers very shortly. However, the OM dated 6.6.2000 prescribes a further stipulation of 4 years' regular service in the non-functional scale of pay Rs.12000-16,500/- for promotion as Superintending Engineer in the scale of Rs.14300-18300/- which will increase the eligibility qualification to a total of 9 years regular service before an Executive Engineer can be considered for promotion as Superintending Engineer, which will affect them adversely, besides being contrary to the existing recruitment rules.

4. These contentions are contested by respondents' counsel Shri Sudan.

5. Prima facie, the introduction of a further condition of 4 years' regular service in the so far non-functional scale of Rs.12000-16,500/-, in addition to 5 years' regular service as Executive Engineer, for promotion as Superintending Engineer in the scale of Rs.14300-18300/- will require amendment in the relevant rules, which will take some time.

6. Accordingly in the interest of justice we consider it fit and proper to dispose of this OA with a direction to respondents to give applicants a reasonable opportunity of being heard in person in

respect of these specific grievances referred to above, before they take any final decision in the matter of amending the Recruitment Rules. Furthermore if the recruitment rules are amended to the applicants' disadvantage, it will be open to applicants to agitate the same through an appropriate original proceedings in accordance with law, if so advised.

7. The OA is disposed of accordingly. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

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