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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1241/1999

New Delhi this the 3rd day of May, 2001.

Hon'ble Mr. V.K. Majotra, Member (Admnv)
Hon'ble Mr. Shanker Raju, Member (Judicial)

1. Transport Employees Welfare Association through its Secretary, H.C. Azad Sehgal, S/o Sh. Uttam Chand Sehgal, R/o 23/25, Moti Nagar, New Delhi-15.
2. Inspector Sarma Nand Sharma, S/o late Sh. Nanak Chand Sharma, R/o X/7594, Amar Mohalla, Gali No.4, Raghbir Pura No.2, Gandhi Nagar, Delhi.
3. Sub Inspector Attar Singh Kaushik, S/o Shri Bhim Singh Kaushik, R/o J-2/18, Khirki Extn., Malviya Nagar, New Delhi.
4. ASI Ashok Kumar, S/o late Sh. R.K. Kaushik, R/o 23/25, Moti Nagar, New Delhi-15.
5. Constable Anil Kumar, S/o late Sh. Ram Rikh, R/o H.No.139, Garhi Village, New Delhi-55.

... Applicants

(By Advocate Shri Naresh Kaushik)

-Versus-

1. Union of India, through Lt. Governor, Raj Niwas, Delhi.
2. Chief Secretary, 5, Sham Nath Marg, Govt. of N.C.T. of Delhi, Delhi.
3. Principal Secretary-cum-Commissioner (Transport), 5/9 Under Hill Road, Transport Department, Govt. of N.C.T. of Delhi, Delhi.

... Respondents

(By Advocate Shri Ajesh Luthra)



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ORDER (ORAL)Mr. V.K. Majotra, Member (Admn.):

Through this O.A. the applicants have sought a direction to the respondents to review/amend the recruitment rules of Transport Department in the ranks of Head Constable, Sub Inspector, ^{Inspector}_L and Enforcement Officer in the background of changed circumstances inasmuch as when the Transport Department was created it did not have sufficient number of people ~~ripe~~¹⁶ for promotion from one rank to another. So a provision was incorporated in the recruitment rules for promotion from Head Constable ^{upto}_L Enforcement Officer, reserving a higher percentage of vacancies to be filled up by way of transfer on deputation. However, now the position has completely changed as in every rank there are ~~eligible~~¹⁶ departmental candidates available for promotion. Thus the need to fill the posts by transfer on deputation has out lived its utility. The learned counsel of the applicants Shri Naresh Kaushik has stated that the applicants had made repeated representations on the subject to the respondents which have remained unconsidered. He drew our attention to such representations viz. Annexure P-5 colly. He contended that Department of Personnel and Training has issued ^{on 18.5.1988}_L guidelines for review of recruitment rules periodically. The relevant paragraphs indicated by him are reproduced as follows:

"REVIEW OF RECRUITMENT RULES:

3.1.5. The Recruitment Rules should be reviewed once in 5 years with a view to effect such changes as are necessary to bring them in confirmity with the changed

position, including additions to or reductions in the strength of the lower and higher level posts.

PROMOTION

3.12.2 Promotion may be kept as method of recruitment depending upon the availability of the ~~filled~~ of consideration. Care should be taken to see that the base for promotion is strong, i.e., the departmental candidates are fully qualified for the responsibilities of the higher post and the feeder is also adequate, i.e., normally the feeder grade should range from 3 to 5 times the number of sanctioned posts in the higher grade, in case the post in the higher grade is to be filled on selection basis. For post which are to be filled by seniority-cum-fitness, i.e., by non-selection, it is not necessary that the feeder grades should consist three times of posts in the higher grade. For computing the base for promotion and determining the ratio of higher grade to the feeder grade, the number of sanctioned posts in the two grades (and not the number of vacancies at any one point of time) should be taken into consideration."

2. The learned counsel stated that .

the recruitment rules for the posts in question have not been reviewed for a long time despite repeated representations and guidelines on the point. At this stage, in our considered view, it would meet the ends of justice, in the circumstances, if the respondents are directed to consider the representation of the applicants within a time frame. Thus the respondents are directed to dispose of a representation to be made by the applicants within a period of 15 days from today by passing a detailed speaking order and also after granting a hearing to the applicants within a period of three months from making of the representation. The applicants will have the liberty to move the court on remaining aggrieved by the decision on the representation.

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3. The OA is disposed of in terms of the above directions. No costs.

S. Raju
(Shanker Raju)
Member(J)

'San.'

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