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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1416/99

with MA No. 1243/99

New Delhi: dated, this the 8th day of JUNE, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

India Meteorological Department
Non-gazetted Staff Union,

Meteorological Complex,

Lodhi Road,
New Delhi.

through

1. A. K. Bhatnagar,
General Secretary,

2. Shri A. K. Sharma,
President,

3. Maya Ram,
Scientific Assistant,
Office of the DDGM (UI)
New Delhi.

4. Shri S. N. Verma,
Scientific Assistant,
Office of DGM,
IMD,
New Delhi.

5. J. S. Mann,
Scientific Assistant,
Office of the DDGM (UI) IMD,
New Delhi.

6. N. C. Panda,
Scientific Assistant,
Office of DDGM (UI),
IMD,
New Delhi.

..... Applicants.

(By Advocate: Shri B. S. Mainee)

Versus

UOI

through

1. The Secretary,
Deptt. of Science & Technology,
Mehrauli Road,
New Delhi.

2. The Director General of Meteorology,
India Meteorological Department,
Lodhi Road,
New Delhi

.....Respondents.

(By Advocate: Shri A.K. Bhardwaj)

ORDER

S.R. Adige, VC(A)

Applicants impugn respondents' OM dated April, 1999 (Annexure-A-1) creating 21 posts of A.O (Group 'B' Gazetted) in the scale of Rs. 6500-10500 in India Meteorological Deptt. by surrendering 21 posts of Asstt. Meteorologist Gr. II (Group 'B' Gazetted) in the scale of Rs. 6500-10500 mainly on the ground that this will reduce the number of promotional posts.

2. Heard both sides.

3. We note that as per RRs for the post of Admn. Officer (Annexure-R4) framed under Article 309 of the Constitution these are required to be 21 such posts of Admn. Officers. Under the circumstance, if for complying with this statutory mandate, respondents by impugned order dated April, 1999 have created 21 posts of AOs by surrendering an equivalent number of posts of Asstt. Meteorologists, it cannot be said to be illegal or arbitrary. It is well settled that the creation and/or abolition of posts is a matter which lies within the jurisdiction of the executive authorities, and Courts/Tribunals would not normally interfere, unless the decision is found to be illegal, arbitrary, or malafide.

4. In this connection, we were informed during hearing that there are approx. 1300 posts of Scientific Asstts. to which category applicants belong, for whom there are approx. 750-800 promotional posts of Asstt. Meteorologists, while there are approx. 115 posts of Admn. Asstt. who form the feeder grade for promotion as Admn. Officer as per the

RRs. Even if the aforesaid figure submitted to us during the course of hearing are not absolutely accurate, it is clear that even on grounds of equity respondents cannot be legally faulted for issuing impugned order dated April, 1999.

5. The OA is therefore dismissed. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. Adige)
VICE CHAIRMAN (A).

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