

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 187/99

✓ New Delhi, this the 16th day of October, 2000

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Mr. Govindan S.Tampi, Member (A) 1

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1. Nandini Mital
2. Superna Thakur
3. Seema Oiha
4. Naginder Singh Kishore
5. Ambrish Kishore

Al 1 c/o Plot No.91, Flat No. A-7,
Arva Nagar, Patparganj.
Delhi - 110092

....Applicants

(By Advocate : Sh. B.Krishan)

V E R S U S

Ministry of Information and Broadcasting
through its Secretary
Ministry of Information and Broadcasting
Shastri Bhawan, New Delhi - 110001.

....Respondent

(By Advocate : Sh. R.P.Agarwal)

O R D E R (ORAL)

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

The Only grievance of the applicant in this case is regarding the share for the promotion to the post of Sr. Grade of Indian Information Service group 'B'. The applicants joined the the Department in the batch of 1993. As per the relevant Recruitment Rules they are eligible for consideration for promotion to the post of Sr. Grade as they had completed 5 years of regular service in the Jr. Grade. Though he was eligible for promotion, he has not been considered for the promotion. As per the Recruitment Rules for the recruitment to the Senior Grade of Indian Information Service, Group 'B' is as under :-

1. 50 % by promotion
2. 25 % by transfer on deputation
3. 25 % by direct recruitment

(21)

The promotions are stopped as it was found the 50 % quota has already been exhausted and the recruitment is sought to be made by way of the deputationists and by way of direct recruitment. It is, the grievance of the applicant that as there are several employees eligible for promotion who have been stagnating they are entitled to be considered for promotion and hence necessary directions have to be issued to the respondents to scrap the deputation quota of 25 %.

2. It is, however, the stand of the respondents that the Recruitment Rules being statutory and having been framed in consultation with the UPSC, taking into consideration the composition and structure of the cadre, and sufficient quota has been made available for the purpose of promotion, there is no reason either to modify or scrap the quota fixed for direct recruitment.

3. We have given careful consideration to the matter. The method of Recruitment for the Sr. Grade of Indian Information Service, Group 'B' is 50 % by way of promotion, 25 % by way of transfer on deputation and the remaining 25 % by direct recruitment. Thus there is quite a chunk of posts in the selection grade, have been made available for the purpose of promotion. As it was found necessary to appoint to Senior Grade the officers from

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Central/State Government/Union Territories/Public Sector Undertakings/Autonomous Bodies etc. on short term basis, the Recruitment Rules are so made by the Government in consultation with the expert bodies and the UPSC. Thus the rules are statutory, to include such officers for recruitment by way of deputation the Tribunal normally will not interfere with the Recruitment Rules unless clear discrimination and violation of Article 16 of the Constitution have been brought out. It is true that the several employees may be stagnating for promotion having completed 5 years of regular services in this junior grade. A perusal of the counter affidavit, shows that the respondents have also considered this situation and are of the view that the Recruitment Rules also the cadre structure have to be reviewed. Thus, it is clear that the issue of revision of the Recruitment Rules is within the active consideration of the Government. A large number of persons are available for promotion. It is, however, to the Government to keep in mind the travails of the employees awaiting for promotion at the time of review or modification of the Recruitment Rules.

4. It is also stated by the learned counsel for the applicant that the applicant has filed a representation on 7-12-98 states the facts and circumstances seeking review of the Recruitment Rules.

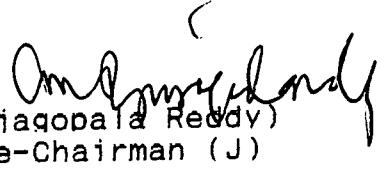
5. We, therefore, direct the respondents to consider the representation and take suitable action for the purpose of the modification or the review of the Recruitment Rules and also the cadre structure

within a period of six months from the date of the receipt of a copy of this order. OA is accordingly disposed of.

(23)


Govindan S. Tambram
Member (Admin) —

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(V. Rajagopala Reddy)
Vice-Chairman (J)