

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2269/99

New Delhi this the 27th day of October, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN(J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

J.K. Khanna,
S/o Shri R.L. Khanna,
R/o Type 5, Flat No.4, Block No.1,
Lodhi Road, New Delhi-110003.

...Applicant

(By Advocate Shri Rajeev Mehra)

-Versus-

1. Union Public Service Commission,
through its Chairman,
Dholpur House, Shahjahan Road,
New Delhi.

2. Union of India through Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
Deptt. of Personnel & Training,
North Block,
New Delhi.

...Respondents

O R D E R (ORAL)

By Reddy, J.-

Heard the learned counsel for the applicant on admission.

2. The applicant was the Manager, Electronic Data Processing Centre. When another person was appointed, earlier by the respondents, to the upgraded post of Executive Director, Information System, General Central Service Group "A" the applicant filed OA No.1939/99 before the Principal Bench. The contention of the applicant in that case was that he was fully qualified and eligible person to be promoted to the said post and appointment by way of deputation was illegal. While disposing of the said OA the Tribunal directed the respondents to finalise the recruitment rules at the

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earliest for the post of Executive Director (IS) and it was also directed that once the recruitment rules are framed, respondent No.1 to initiate the process of recruitment, convene a DPC and consider all eligible candidates under the revised recruitment rules. Accordingly the recruitment rules have been framed by the respondents. The grievance of the applicant in the present OA is that the present recruitment rules so framed are illegal inasmuch as the promotees as well as deputationists are eligible to be considered for promotion to the post of Executive Director at par with each other. In the earlier recruitment rules the appointment for the post of Executive Director was by promotion, failing which by deputation and failing both by direct recruitment. The learned counsel, therefore, contends that the present rules, which do not provide for exclusive and preferential consideration of promotees for the appointment of Executive Director, are violative of the Fundamental Right of the applicant.

3. We do not see any substance in the contention. In fact, the present rules are framed as per the directions of the Tribunal in the earlier OA and the said judgment has become final. In the present rules it is provided that the appointment is to be made from the candidates who are eligible for promotion as well as deputationists. It is, therefore, incumbent upon the respondents to consider the promotees as well as deputationists and select the best amongst them. We do

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not find any breach of any Fundamental Right of the the applicant. It is always open to the Government to change the method of promotion. In the circumstances, the OA fails and is accordingly dismissed at the admission stage. No costs.

Shanta J

(Smt. Shanta Shastry)
Member (A)

"San."

V. Rajagopala Reddy

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