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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 2681/99

New Delhi: this the 23rd day of October, 2000.

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

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

1. The Horticulture Sectional Officers Association,
CPWD, represented by Shri Satbir Singh,
General Secretary,
Ground Floor,
A Wing, Indraprastha Bhawan,
New Delhi.

2. S. N. Labh,
Asstt. Director (Hort),
Horticulture Development Division I,
CPWD, IP Bhawan,
New Delhi.

.... Applicants.

(By Advocate: Shri K. B. S. Rajan)

Versus

1. Union of India,
through
the Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi- 11.

2. The Director General of Works,
Central Public Works Department,
Nirman Bhawan,
New Delhi-11.

3. The Chairman,
Union Public Service Commission,
Dholpur House,
Shah Jahan Road,
New Delhi-11

(By Advocate: Shri A. K. Bhardwaj)

ORDER

Mr. S. R. Adige, VC (A):

Applicants have filed this OA against the implied rejection of their representations dated 11.9.99 and dated 6.12.99 requesting that no direct recruitment be made against any vacant post of Asstt. Director (Hort.) save as per revised recruitment rules

in view of an undertaking given by ^{said to have been respondents} them to the Tribunal on 11.10.96, and after taking into account the creation of 20 posts of Asstt. Director in the cadre review conducted in 1995 which were to be filled up only by promotion as also the abolition of 10 posts vide 23.9.99.

2. Heard both sides and perused the pleadings.

3. Posts of Asstt. Director (Hort) Group 'B' gazetted were filled up as per prerevised RRs by 2 methods:

1) 2/3 vacancies by promotion from the grade of S.O (Hort).

2) 1/3 vacancies by direct recruitment through UPSC.

4. Revised RRs were notified on 20.11.99 reducing the direct recruit quota from 1/3 to 1/10.

5. Applicants contend that all the unfilled DR quota in the grade of Asstt. Director should be filled up by applying the aforesaid revised RRs notified on 20.11.99. Respondents contend that as per law settled in Y.N. Rangaiah Vs. J. Srinivas Rao 1983(3) SCC 385 and followed in B.S. Lal Chandani Vs. UOI ATR 1992(1) CAT 383 Bombay the revised RRs will apply only prospectively and vacancies which occurred prior to notification of revised RRs on 20.11.99 are required to be filled up as per RRs in vogue at the time when the vacancies occurred.

6. Applicants however aver in their rejoinder that Rangaiah's case (supra) would not be applicable and instead it would be the ratio of the Hon'ble Supreme Court's ruling in Dr. K. Ramulu Vs. Satya Narayan Rao (1997) 3 SCC 59 which would operate in view of the statement made by respondents before the Tribunal

that vacancies would be filled up only after the RRs were amended.

7. As Section 19 A.T. Act permits a person aggrieved by an order (emphasis supplied) to approach the Tribunal, and respondents have not issued any order in respect of the promotion to the posts of Asstt. Director (Hort), the OA does not call for any interference by the Tribunal at this stage. Instead we direct respondents to dispose of applicants' representations dated 11.9.99 and 6.12.99 by a detailed, speaking and reasoned order in accordance with rules, instructions and judicial pronouncements within 3 months from the date of receipt of a copy of this order under intimation to applicant. If any grievance survives thereafter it will be open to applicants to agitate the same in accordance with law, if so advised.

8. The OA is disposed of in terms of para 7 above. No costs.

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

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

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