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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 296/99

New Delhi: this the 13th day of July, 2000.

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

HON'BLE MR. S. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Mohinder Singh,
Senior Scientific Assistant,
S/o Late Shri Jaimal Singh,
R/o WZ-405-B, Janak Park,
Hari Nagar, Clock Tower,
New Delhi-64

2. Ms. Anita Sawhney,
Senior Scientific Assistant,
A-483-B Palam Vihar,
Gurgaon-17

.....Applicants.

(By Advocate: Shri G.S. Lobana)

Versus

1. Lt. Governor of NCT Delhi,
Rajniwas Marg,
Delhi-54.

2. The Principal Secretary,
Health & Family Welfare,
Govt. of NCT of Delhi,
5 Sham Nath Marg,
Delhi-54.

3. The Drug Controller,
Drug Control Department,
Govt. of NCT of Delhi,
5 Sham Nath Marg,
Delhi-54.

4. Chairman,
Union Public Service Commission,
Shahjehan Road,
Dholpur House,
New Delhi-11

.....Respondents.

(By Advocate: Shri Vijay Pandita)

ORDER

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

Applicants seek a direction to respondents
to provide them promotional opportunities by including

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the cadre of Senior Scientific Assistants (SSA) as the feeder cadre for promotion to the post of Drug Inspectors by suitable amendment of the recruitment rules such that atleast 20% of posts of Drug Inspectors are filled by promotion of SSAs with five years' regular service.

2. Heard both sides.

3. During arguments, applicants' counsel has specifically urged that respondents be directed to amend the relevant RRs on the line of the amendments to the special rules for Tamil Nadu Medical Services brought about by Tamil Nadu Govt., Health & Family Welfare Deptt. GO Ms. No. 708 dated 11.11.95 (copy taken on record).

4. While no doubt several judicial pronouncements, (some of which have been referred to by applicants' counsel), have recognised the need for Govt. employees to be able to look forward to promotional opportunities in the course of their service career, in the interest motivation and morale, we agree with respondents' counsel that it is beyond the Tribunal's jurisdiction to direct respondents to amend the RRs in a particular manner so as to provide promotional opportunities to certain categories of Govt. employees. The question whether or not to amend the RRs is a matter exclusively within the executive domain, and it is only when the RRs and/ or their amendments are illegal, arbitrary or malafide that the Tribunal's writ jurisdiction is attracted.

5. In this connection we notice that the Assured

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Career Progression Scheme for Central Govt. Civilian Employees introduced by OM dated 9.8.99 (copy taken on record) does recognise the problem of genuine stagnation and hardship faced by Govt. employees due to lack of adequate promotion opportunities and seeks to address itself to it.

6. In the result while we decline to interfere in the OA we would observe that nothing contained in this order will preclude respondents themselves from considering effecting the amendments in the relevant RRs^{as} prayed for by applicants, if they are so advised to do.

7. The OA is disposed of in terms of para 6 above. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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

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