

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.571/99 with M.A.No.546/99

New Delhi: this the 4th day of June, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

1. BICP Technical Officers Association through their member Sh P K Dhar, C/o BICP, 7th Floor, Lok Nayak Bhawan, Khan Market, New Delhi 03 .... Applicant
2. Shri S. L. Diwan, S/O Late Sh. J. L. Diwan aged about 57 years and resident of D-II-75, Kaka Nagar, New Delhi-3 and working as Industrial Adviser (S&T), Bureau of Industrial Costs and Prices, Ministry of Industry, Deptt. of Industrial Policy & Promotion, Lok Nayak Bhavan, New Delhi-110003 .... Applicant
3. Sh. Yeslwantr V. Telang, S/O Sh. V. Y. Telang aged about 45 years and resident of C-1, Sahyadri, 9A, J.P. Extension, Delhi-110092 and working as Director (S&T) in the office of Bureau of Industrial Costs & Prices, Ministry of Industry, Deptt. of Industrial Policy & Promotion, Lok Nayak Bhavan, New Delhi-3 .... Applicant
4. Sh. K. B. Thakur, S/o Sh. B. M. Thakur aged about 37 years and resident of 731, Sector 4, R.K. Puram, New Delhi-22 and working as Dy. Director (S&T) in the office of Bureau of Industrial Costs and Prices, Ministry of Industry, Deptt. of Industrial Policy & Promotion Lok Nayak Bhavan, New Delhi-3 .... Applicant

(By Advocate: Shri Gyan Prakash )

Versus

1. Union of India; through Secretary, Ministry of Industry, Deptt. of Industrial Policy and Promotion, Udyog Bhavan, New Delhi, 01
2. Bureau of Industrial Costs & Prices, through Chairperson, 7th floor, Lok Nayak Bhavan, Khan Market, New Delhi 03
3. Secretary, Deptt. of Personnel & Training, North Block, New Delhi 01.
4. Secretary, Deptt. of Expenditure, Ministry of Finance, North Block, New Delhi 01.
5. Secretary, Union Public Service Commission, Shahajahan Road, New Delhi 11

.... Respondents

(By Adv. Shri V. S. R. Krishna)

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

Applicants who belong to Bureau of Industrial Costs and Prices (BICP) Technical Officers Association seek a direction to hold annual D.P.C for promotion to the posts of Director, Industrial Adviser and Chief Adviser.

2. We have heard applicants' counsel Shri Gyan Prakash and respondents' counsel Shri VSR Krishna.

3. Shri Gyan Prakash has argued at some length that the respondents have not held D.P.C on annual basis since 1995 while according to DPT's OM's dated 10.4.89 and 13.5.91 it should be convened every year.

4. Shri Krishna has invited our attention to respondents' reply in which it has been stated that due to setting up of NPPA, the Tariff Commission and the liberalization and withdrawal of the price control system in respect of commodities, the workload of the Bureau had considerably reduced and the Govt. had issued directions to the BICP to withhold action regarding filling up of the existing and likely to occur vacancies. In the year 1995 on the basis of IWSU report, a decision was taken that the vacant posts in BICP should not be filled up till action was completed to restructure BICP. <sup>Resolution</sup> Vide ~~order~~ dated 12.4.99 (Annexure-IV) the BICP has been merged with Tariff Commission w.e.f. 1.4.99 and hence BICP does not have any entity. Filling up of posts, promotion etc. would thus depend on the Tariff Commission's requirement and hence no remedy against the grievances of applicants in this OA lies with BICP.

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5. Sri Gyan Prakash has also filed written

submission in which it has been emphasised that BICP and Tariff Commission are attached offices of Industry Ministry Respondent No.1 and a direction to hold DPC is to be issued to Respondent No.1. It is also emphasised that all the applicants are Group 'A' Officers and their appointing authority is President and it is the Ministry who sanctions Group 'A' post in its attached offices and gives budgetary sanction etc.

6. We have considered these submissions carefully.

7. As mentioned earlier, resolution dated 12.4.99 merging BICP with Tariff Commission is less than 2 months' old as of date. Para 4 of the aforesaid resolution states that modalities with respect to the staffing of Tariff Commission vis-a-vis the BICP would be worked out by a Committee under the Chairmanship of AS & FA of Ministry of Industry. We have no reasons to doubt that upon completion of the exercise by the Committee, respondents will themselves initiate action expeditiously to fill up the posts as per the staffing pattern, in accordance with rules and instructions. Consequent to the merger of BICP with Tariff Commission, no direction can be issued to the respondents to hold the DPC in regard to BICP alone.

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

Lakshmi  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER (J)

Antony  
( S. R. ANTONY )  
VICE CHAIRMAN (A).