

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
O.A.NO. 608/99

New Delhi: this the 9th day of May, 2000.
HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).
HON'BLE MR. KULDIP SINGH, MEMBER (J).

1. Smt. Suman Lata Sikka
W/O Shri S.C. Sikka
Working as Steno Gde-III
in the office of G.E.(Central)
Delhi Cantt-110010.
2. Smt. Meena Rani
W/O Shri SC Mahana
Steno Gde-III, in the
office of G.E.(East) Delhi Cantt.
3. Smt. Charanjit Kaur
W/O Sh. Preet Mal Singh
Steno Gde-III in the office
of G.E.(West) Delhi Cantt.
4. Satish Kumar Sengal
S/O Sh. Sengal
Steno Gde. III in the office
of G.E.(AF) Sirsa.
5. Smt. Ajit Kaur
W/O Sh. Brij Mohan Singh
Steno Gde. III in the O/O
HQ C.E. Delhi Zone, Delhi Cantt.
6. Avnish Chander Malik
S/O Sh. R.D. Malik
Steno Gde-III in the O/O
G.E.(R&D) Delhi.
7. Dharam Vir
S/O Sh. Balbir Singh
Steno Gde. III in the O/O
G.E.(Elect) Delhi Cantt,

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8. Chacko V.J.

S/O Sh. V.C. Joseph
Steno Gde.III in the O/O
G.F.(AF) Halwaram

9. Smt. Prem Kumari

W/O Sh.S.K. Hasija
Steno Gde.III in the O/O
G.E.(Subroto Park) Delhi Cantt

10. Pramod Kumar Khera

S/O Sh.G.C. Khera
Steno Gde.III in the O/O
G.E.(Water Supply) Delhi Cantt

11. Smt. Saroj Bala Grover

W/O Sh.J.L. Grover
Steno Gde.III in the O/O
C.E.(DZ) Delhi Cantt.

12. Sunil Kumar Kapoor

S/O Sh. Kapoor
Steno Gde.III in the O/O
G.F. Nal.

13. Neeraj Grover

S/O Sh.M.L. Grover
Steno Gde.III in the O/O
G.E. Red Forte, Delhi.

14. Lalit Kumar

S/O Sh. Suraj Prakash
Steno Gde.III in the O/O
G.E.(AF) Suratgarh.

15. Ashwani Kumar

S/O Sh.S.N. Sharma
Steno Gde.III in the O/O
C.W.E.(AF) Bikaner.

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16. Smt. Sushma Pathak,
W/o Sh. Anil Pathak,
working as Steno Grade-III
in the Office of Chief Engineer,
Delhi Zone,
Delhi Cantt.

.....Applicants.

(By Advocate: Shri A.K. Trivedi)

Versus

1. Union of India,
through its Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Engineer-in-Chief,
Engineer-in-Chief's Branch,
Army Headquarters, DHQ, P.O.
New Delhi-11

.....Respondents.

(By Advocate: Shri R.P. Agarwal)

ORDER

HON. MR. S.R. ADIGE VC(A).

Applicants impugn respondents' order dated 15.4.98 (Annexure A-1) by which 418 addl. posts have been sanctioned for UDCs, and alternatively seek a direction to respondents to reserve 10% quota amongst those posts for applicants who are Stenographer

2. Applicants' case is that they are Stenographers Gr. III who have opted for clerical cadre for further promotions and career prospects in the clerical cadre. The next promotion for them is to the post of Assistant. According to them, as per relevant 1975 Recruitment Rules (Annexure-A3) posts of Assistants are to be filled by promotion from amongst UDCs and Stenographers of 9 years minimum service who have not opted for PA's cadre in the ratio of 9:1. The V Pay Commission in para 46.17 of

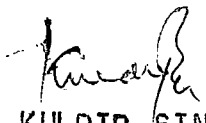
its report (Annexure-A4) have recommended that in subordinate offices having no clerical grade above UDCs, 10% posts of UDCs in such organisations be upgraded to the level of Assistants. Pursuant to the above, respondents by impugned order dated 15.4.98 have increased the posts of Assistant from 596 to 1014 by upgrading 418 posts of UDCs to that of Assistant and decreasing that number of posts of UDCs. ^{Applicants} Respondents contend that by promoting only UDCs to the upgraded posts of Assistants and ignoring the claim of Stenographers to these upgraded posts, respondents are ignoring the Recruitment Rules, and their decision is illegal, unjust and arbitrary.

3. Respondents in their reply challenge the OA. They state that the authorised strength of UDCs in MES was 4177 out of which special pay was granted to 10% of UDCs @ Rs.70/- p.m. for performing complex nature of duties. The V Pay Commission in para 46.17 recommended that 10% posts of UDCs be upgraded to the level of Assistants and the concept of special pay given to 10% UDCs be stopped. Accordingly impugned order dated 15.4.98 issued, upgrading 418 posts of UDCs i.e. 10% of the authorised strength of UDCs of MES to the grade of Assistants. Furthermore 418 posts of UDCs have been abolished. The special pay of Rs.70/- being paid to 10% UDCs will stand abolished on promotion of 418 UDCs to the level of Assistants through DPC vide order dated 16.2.99 (Annexure-R1).

4. Respondents emphasis that the 418 posts at

the level of Assistants are not the result of the creation of new posts which require to be filled up as per Recruitment Rules. Further the MES (Assistant, UDC and LDC) Recruitment Rules, 1999 have come into force which specifically provide that the 10% quota will not be available to Stenographers Grade III at the time of initial filling up of 418 posts created by upgradation of an equal number of posts of UDCs as a one time measure vide Defence Ministry's letter dated 16.2.99 (Annexure-R1).

5. In the light of the above, it is abundantly clear that applicants challenge to respondents' letter dated 15.4.98 and/or their claim to 10% quota in the 418 upgraded posts is entirely misconceived. The OA is dismissed. No costs.


(KULDIP SINGH)
MEMBER (J).


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

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