

Central Administrative Tribunal  
Principal Bench

O.A. No. 2080 of 1998

14

New Delhi, dated this the 8<sup>th</sup> AUGUST, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. All India Association of  
Civilian Assistant Security  
Officers through  
Mr. Dharam Singh,  
Jt. Secretary,  
414, Pooth Kalan,  
Delhi-110041.
2. Mr. Ram Sahai,  
Working as CASO, Ordinance Depot (O.D.)  
Shakurbasti,  
Delhi. .. Applicants

(By Advocate: Shri B.T. Kaul)

Versus

1. Union of India through  
the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. Adjutant General,  
A.G. (Org. 4 Civ. (a)  
Army Headquarters,  
Sena Bhawan,  
P.O. DHQ,  
New Delhi.
3. Union of India through  
the Secretary,  
Ministry of Finance,  
North Block,  
New Delhi. .. Respondents

(By Advocate: Shri S.M. Arif)

ORDER

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

In this amended O.A. applicants impugn respondents' action in turning down the proposal for holding cadre review in respect of Civilian Assistant Security Officers/Civilian Security Officers (CASO/CSO) working under DRDO. They seek a direction

(15)

to respondents to implement the decision taken in principle to provide promotion avenues to CASO/CSO in terms of the decisions taken in the meetings held from 1990 to 1997 and to promote them to higher posts in the revised scales retrospectively with arrears.

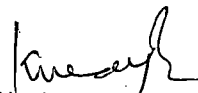
2. Heard both sides.

3. Our attention has been invited to respondent No. 3's reply wherein it has been stated that the strength of CASOs is 51. These CASOs were declared a dying cadre in 1984 and a decision was taken to explore the feasibility of merging them with the Defence Security Corps but the merger could not be effected for certain technical reasons, and the cadre was reviewed in 1991. Respondent No.3 has further stated that there is not adequate functional justification for upgradation/creation of higher posts in the cadre to warrant its restructuring and promotional prospects alone cannot justify a cadre review. It has been further stated that the 5th Pay Commission had considered the matter relating to cadre aspiration of Government employees in general, and based on its recommendations the Government have recently introduced an Assured Career Progression Scheme which provides two financial upgradation after 12 years and 24 years of service respectively, and the career aspiration of applicants will be adequately taken care of by the said Scheme.

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4. The question of cadre restructuring and creation of higher posts to accommodate the career aspiration of applicants has primarily to be justified on the basis of functional requirements which is a matter of executive decision and the Tribunal would be loathe<sup>^</sup> to interfere unless such a decision is found to be manifestly illegal or arbitrary or discriminatory. Respondents have stated on affidavit that the small number of employees amongst those covered by applicant association does not warrant cadre restructuring in terms of functional requirements, and nothing has been shown to us to establish that respondents stand suffers from the vice of illegality, arbitrariness or is discriminatory. Merely because in another service or cadre, restructuring and/or creation of higher posts have been sanctioned would not make a decision not to extend those benefits to the present cadre, discriminatory if the surrounding facts and circumstances are different.

5. In the light of the above, the O.A. warrants no interference. It is dismissed. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

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