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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1182/1995

New Delhi this the 15th day of October, 1999.

HON'BLE SHRI A. V. HARIDASAN, VICE-CHAIRMAN (J)

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Smt. Nirmal Singh W/O Anup Singh,
R/O 861/SIV, R.K.Puram,
New Delhi-110022. Applicant

(By Shri S. C. Luthra, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of Human
Resources Development
(Department of Education),
Shastri Bhawan, New Delhi.
2. Director, Central Hindi Directorate,
West Block, R.K.Puram,
New Delhi-110066.
3. The Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi. Respondents

(By Shri N. S. Mehta for Shri Vijay Mehta, Advocate)

O R D E R (ORAL)

Shri A. V. Haridasan, VC(J) :

The applicant joined the services of the respondent No.2 on 27.4.1987 as Junior Proof Reader in the scale of Rs.1200-1800. She was promoted on 17.10.1994 as Senior Proof Reader in the scale of Rs.1400-2300. Though the applicant applied for direct recruitment to the post of Research Assistant in the year 1992, she was not selected. The recruitment rules for the post of Research Assistant were amended in the year 1993. As per the amended recruitment rules, 75% of the vacancies are to be filled by direct

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recruitment failing which by transfer on deputation/transfer, and 25% by transfer on deputation/transfer. Transfer on deputation is to be made from among officers in the Central government - (i) holding analogous posts on regular basis; or (ii) with 5 years' regular service in posts in the scale of pay of Rs.1400-2300/2600 or equivalent; or (iii) with 15 years' regular service in post in the scale of pay of Rs.950-1500 or equivalent. Though the applicant applied pursuant to the notification issued, her application was not forwarded as she did not fall within any of the three categories mentioned in column 12 of the amended recruitment rules. The amendment to the recruitment rules made in the year 1993, according to the applicant, is arbitrary and irrational as the respondents have omitted to include the category of officers in the scale of Rs.1200-1800 while those in the pay scale of Rs.1400-2300 and in the pay scale of Rs.950-1500 have been included, whereas in the recruitment rules prior to amendment, the category of officers as per revised scale of pay of Rs.330-480/560, which is equivalent to the scale of Rs.1200-1800, with 10 years of service, were eligible. The change made in the recruitment rules does not in any way further the interest of service and, therefore, the applicant has prayed that the respondents may be directed to suitably amend the recruitment rules for the post of Research Assistant to include the category of officers in the pay scale of Rs.1200-1800/2040 declaring that the whole process

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of selection since its inception from the stage of advertisement for the post in the Employment News is void and that the selection and appointments should be made only in accordance with the recruitment rules to be made.

2. The respondents in their reply statement have contended that the amendment to the recruitment rules was made taking into account the requirement of service and after consultation with the Department of Personnel, Union Public Service Commission as also the Ministry of Law and Justice, and that the applicant has no right to challenge the recruitment rules. As far as the case of the applicant for consideration for selection to the post of Research Assistant is concerned, it is contended that as the applicant does not have 15 years of service, she is ineligible for selection.

3. We have heard the learned counsel on either side and have gone through the materials available on record. There is substance in the contention of the applicant that a category which was earlier eligible for recruitment by transfer or deputation has been completely omitted from the list of eligible categories while the categories above and below have been included. We do not find any nexus in deleting that category with the objective sought to be achieved. If a category of officers drawing the scale of Rs.950-1500 can be in the field of choice, it does

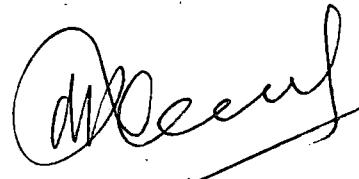
not stand to reason why the officers in the scale of Rs.1200-1800 in the identical stream should be left out while still higher grade of Rs.1400-2300 is also considered for recruitment by transfer/transfer on deputation. This is an aspect which the respondents should consider and amend the recruitment rules suitably to include the category of officers in the scale of Rs.1200-1800, if they are satisfied that inclusion of this category would further the interest of service.

4. As far as the claim of the applicant for being considered is concerned, the applicant even according to the averment ⁱⁿ of the application should have had 10 years of service in the grade equivalent to Rs.1200-1800 for being eligible even according to the earstwhile recruitment rules. As the applicant commenced service only in the year 1987, she would not have been eligible for selection and appointment pursuant to the impugned ~~inclusion~~ ^{no hukum}. Thus, it is obvious that the applicant is not entitled to get an order directing the filling up of the vacancies which are in existence and for which recruitment action is to be taken only in accordance with the recruitment rules to be amended.

5. In the light of what is stated above, the application is disposed of directing the respondents to consider the amendment to the recruitment rules including the Central Government servants in the scale

of Rs.1200-1800 also in the field of choice for transfer on deputation, fixing the necessary length of service, in the light of the observations made in the preceding paragraphs. No costs.


(S. P. Biswas)
Member (A)


(A. V. Haridasan)
Vice Chairman (J)

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