

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A No. 1135/1997

New Delhi this the 20th Day of November 2000

Hon'ble Shri S.R. Adige, Vice Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

(29)

Ajay Saxena  
S/o Shri Brijendra Saxena  
Presently working as Investigator in Regional  
Office of National Sample Survey Organisaiton (FOD),  
4/488, Lajpat Kunj,  
AGRA (UP). Applicant

(None for applicant)

Versus

1. Union of India,  
Through Secretary,  
Ministry of Planning & Programme Implementation,  
Department of Statistics,  
Sardar Patel Bhawan,  
New Delhi-110 001.
2. Chief Executive Officer,  
National Sample Survey Organisation,  
Department of Statistics,  
Sardar Patel Bhawan, Sansad Marg,  
New Delhi-110 001.
3. Director,  
National Sample Survey Organisation (FOD)  
'C' Block, III rd floor,  
Pushpa Bhawan, Mandangir Road,  
New Delhi-110 065.
4. All India Association of Assistant  
Superintendents  
Through its General Secretary,  
Shri K.V.B.K. Murty,  
C/o Assistant Director,  
National Sample Survey Organisation Field  
Operation Division,  
1st Floor, B Block,  
Indira Municipal Municipal Stadium Complex,  
Labbipet, Bundar Road,  
Vijaywada,  
Andhra Pradesh-520010. Respondents

(By Advocate: Shri K.C.D. Ganganwani)

O R D E R (Oral)

Hon'ble Shri S.R. Adige, Vice Chairman (A)

Applicant seeks a direction to respondents to  
grant them the pay-scales of Assistant

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Superintendents for discharging the additional duties and responsibilities of Assistant Superintendents under Enterprises Survey Work or alternatively direct the respondents not to assign the duties and responsibilities of Assistant Superintendents under the Enterprises Survey Work to applicants. They also seek a direction to the respondents not to abolish 190 posts of Assistant Superintendents under Enterprises Survey Works which are contemplating surreptitiously.

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2. None has appeared for the applicant even on the second call. We notice that none has appeared for the applicant on the last two consecutive <sup>date</sup> days and today is the third <sup>date</sup> day, none has appeared on their behalf. Shri K.C.D. Gangwani, has appeared for respondents.

3. The question of allotting duties and responsibilities to a functionary is a matter squarely within the competence of the concerned Executive authorities, and cannot be made subject to the judicial review unless the same is found to be illegal, arbitrary or malafide. Nothing in the pleadings, <sup>leads</sup> reaches us to the conclusion that the duties and responsibilities of Assistant Superintendents under Enterprises Survey Work allotted to applicants is illegal, arbitrary or malafide. In so far as the question of abolition of 190 posts of Assistant Superintendents under Enterprises Survey Works is concerned, here also the

(3)

question of creation of abolition of posts is a matter squarely within the competence of the concerned Executive authorities, and cannot be made subject to the judicial review unless the same is found to be illegal, arbitrary or malafide. Here also no material have been available on record which lead us to conclusion that the abolition of posts of Assistant Superintendents under Enterprises Survey Work is illegal, arbitrary or malafide.

4. In this connection Shri K.C.D. Gangwani has invited our attention to the Tribunal's order dated 13.9.2000 in OA No. 2340, All India Association of Investigators and One other Vs. Union of India and ors. in which the applicants have contended that they <sup>work</sup> are not required to discharge the Enterprises Survey Work involving door to door listing etc. That OA was dismissed in limine.

5. In the light of the aforesaid, the present OA warrants no interference and it is accordingly dismissed. No costs.

A. Vedavalli  
(Dr. A. Vedavalli)  
Member (J)

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

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