

Central Administrative Tribunal
Principal Bench

O.A. No. 1276 of 1997~
M.A. No. 2486 of 2000

New Delhi, dated this the 4th JANUARY 2001

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

Shri Dalbir Singh,
S/o Sri Sube Singh,
R/o House No. 37,
VIII. Dichaon Kalan,
New Delhi-110043.

.. Applicant

(By Advocate: Shri S.K. Dass)

Versus

1. Govt. of NCT of Delhi through
the Chief Secretary,
5, Shannath Marg,
Delhi-110054.
2. Development Commissioner,
Govt. of NCT of Delhi,
5/9, Under Hill Road,
Delhi-110054.
3. Dy. Development Commissioner,
Govt. of NCT of Delhi,
5/9, Under Hill Road,
Delhi-110054.
4. Sri Vikram Singh,
Seed Analyst,
C/o Project Officer (IADP),
11th Floor, MSO Building,
I.P. Estate,
New Delhi-110002.
5. Sri Krishna Mathur,
Agronomist (IADP),
C/o Project Officer (IADP),
11th Floor, MSO Building,
I.P. Estate,
New Delhi-110002.

.. Respondents

(By Advocates: Shri Rajinder Pandita appeared later)
Shri G.D. Gupta for R-4

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' Annexure A-1
order dated 6.5.97 appointing Shri Vikram Singh,
Vijnan Mandir Officer and Shri Krishan Mathur,

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Fertilizer Inspector to the posts of Seed Analyst and Agronomist (IADP) respectively with immediate effect.

2. He seeks direction to respondents to declare the feeder line promotion for the post of Senior Demonstrator and also seeks that respondents be directed to consider his case for promotional posts along with other candidates.

3. We have heard applicant's counsel Shri Sanjay K. Dass and Counsel for private respondent No. 4 Shri G.D. Gupta. Shri Rajinder Pandita, counsel for official respondents appeared later and was also heard.

4. By Government Notification dated 18.2.97 (Annexure A-V) the Recruitment Rules (RRs) notified vide earlier Notification dated 13.7.84 were amended.

5. It is not denied that Shri Vikram Singh and Shri Krishan Mathur who are R-4 and R-5 in the present O.A. have been appointed pursuant to the amendment to the RRs made by Notification dated 18.2.97. These appointments have been made on the basis of promotion. Both Shri Vikram Singh and Shri Krishan Mathur are in the feeder cadre of promotion as per the amended RRs dated 18.2.97, while applicant, who, as per his own averments is working as Senior Demonstrator is not in the feeder line for promotion.

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6. During the course of hearing Shri Dass challenged the appointments of R-4 and R-5 through promotion on the aforesaid posts. He contended that these vacancies arose when the unamended RRs of 1984 were in force, and should have been made in accordance with those unamended RRs and not in accordance with amended RRs of 1997. He also contended that these vacancies against which R-4 and 5 were appointed through promotion should have been made through Direct Recruitment. He also invited our attention to M.A. No. 2486/2000 filed by him, in which he had sought quashing of RRs, 1997 by declaring them ultra vires on the ground that they were inconsistent with Rule 20 Seed Rules, 1968.

7. We have considered these contentions carefully.

8. Applicant gets a cause of action to file this O.A., only if he can demonstrate that he himself was eligible for appointment as Seed Analyst and/or Agronomist. Neither in the RRs of 1984 nor in the amended Rules of 1997 is the post of Sr. Demonstrator held by applicant in the feeder grade for promotion, and under the circumstances applicant does not acquire any legally enforceable right to challenge the appointments of R-4 and 5 to the aforesaid posts. We are fortified in our view by the rulings in 19973 (1) SLR 204; 1979 (1) SLR 604 and Union of India Vs. B. Rajoria 2000 (3) SCC 562.

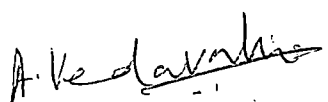
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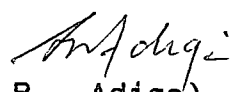


9. Further no materials have been furnished to us to establish that the vacancies should have been filled through direct recruitment and not through promotion. Indeed there are no such categorical averments made in the O.A. or in the written submissions filed by applicant's counsel either.

10. In so far as the alleged inconsistency between the provisions of the amended RRs framed under 309 of the Constitution, and Rule 20 Seed Rules framed under the Seed Act is concerned, actually there is no inconsistency. As pointed out by Shri G.D. Gupta, the mode of recruitment is taken care of by the RRs. Thereupon those who possess/ acquire the necessary experience/qualifications under Rule 20 Seed Rules are put to work in laboratories notified under the Seed Act. Till then there is no bar to their working in the non-notified laboratories, and in any case as applicant is himself not in the feeder cadres for consideration for promotion as per the unamended RRs of 1984, nor indeed in the amended rules of 1997 this ground does not avail him. Furthermore, the decision dated 27.11.96 in M.A. No. 2429/96 arising out of O.A. No. 1972/96 cannot under any circumstances be construed to mean that applicant ~~applicant~~ is in the feeder cadre for promotion as Seed Analyst in the absence of any specific provisions to that effect in the unamended or amended Recruitment Rules.

11. The O.A., therefore warrants no interference. It is dismissed. No costs.


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


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