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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1333/1997

New Delhi, this 14th day of May, 1999

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

1. Research Assistants Association
CHD & CSTT, West Block No.7
R.K. Puram, New Delhi-66
2. S.C. Jain
AEU (Subjects) in CSTT
West Block No.7
R.K. Puram, New Delhi-66 .. Applicants

(By Shri S.C. Luthra, Advocate)

versus.

Union of India, through

1. Secretary
Department of Education
MHRD, Shastri Bhavan, New Delhi
2. Director
Central Hindi Directorate
West Block No.7, R.K. Puram
New Delhi
3. Chairman
Commission for Scientific & Technical
Terminology
West Block No.7
R.K. Puram, New Delhi .. Respondents

(By Shri V.S.R. Krishna, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

Applicants are aggrieved by Annexure A-1 communication dated 10.4.97 addressed to R-3 by R-2 intimating abolition of 9 posts of Assistant Director by the orders of the Ministry of Finance because of those posts lying vacant for more than a year. Consequently, they seek directions in terms of reviving these posts and make recruitment process accordingly.

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2. We have heard the learned counsel for the parties and perused the materials available on record.

3. The case of applicant No.2 (applicant No.1 being an association), who is working as Assistant Education Officer (AEO for short), is that as per the Recruitment Rules notified on 23.9.95 for the post of Assistant Director, 75% of the posts are to be filled by promotion from amongst AEOs with 5 years regular service, that there are 20 posts vacant in that grade and because of the abolition of posts, he has been deprived of promotion to the grade of Assistant Director. It is further contended by the applicants that since the respondents had initiated recruitment process on 16.1.96 and 24.2.96 after the promulgation of the R/Rules on 23.9.95, they cannot go back saying that the posts have been abolished.

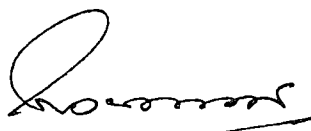
4. On the other hand, respondents would contend that abolition of posts was resorted to in terms of Ministry of Finance OM dated 3.5.93 and therefore no cause of action has arisen to the applicants now. In para 4.11 of the reply, it is stated that 5 posts were declared to have been abolished after they became vacant on 31.7.87, 31.7.90, 31.1.91, 31.3.91 and January, 1994 due to superannuation/death of the incumbents of the post. Similarly, four more posts deemed to have been abolished when they became vacant on 31.7.88, 28.2.91, 26.7.91 and 15.4.91 due to superannuation/promotion of the

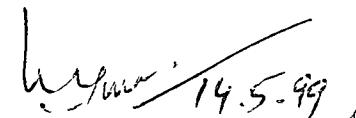
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incumbents concerned. Action to abolish the posts lying vacant for more than a year was in accordance with the instructions of the Ministry of Finance. We find that the respondents have not cared to attach a copy of OM dated 3.5.93 to their reply, though it is stated so in para 4.21 of the reply.

5. We have considered the arguments advanced on behalf of both parties. Respondents themselves have stated in the communication dated 10.4.97 that action is being taken by them to get the abolished posts revived in consultation with the concerned Ministry. Responsible respondents like the Ministry of Human Resource Development are to act by the standard they profess. We only hope that they should follow it up without any further loss of time. They need not have to wait till the posts are revived in that if posts are available with them in the meantime and if the applicant is found to be eligible, they may convene DPC as per rules and consider the case of the applicant also alongwith other eligible candidates. If the applicant is found fit for promotion, he may be promoted accordingly.

6. The OA is thus disposed of. No costs.


(S.P. Biswas)
Member (A)


(T.N. Bhat)
Member (J)

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