

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A./TXX. No.1628/1997

Decided on: 5 11 97

Subash Cchand & OthersApplicant(s)

(By Shri Yogesh Sharma Advocate)

Versus

U.O.I. & AnotherRespondent(s)


(By Shri R.V. Sinha Advocate)

CORAM:

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J)

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter ⁴³
or not?
2. Whether to be circulated to the other
Benches of the Tribunal? ⁴³


(K. MUTHUKUMAR)
MEMBER (A)

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1628 of 1997

New Delhi this the 5th day of November, 1998

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Subash Chand
S/o Shri Munishi Ram
R/o A/46, Dabri Extension,
New Delhi.
2. Babu Lal
S/o Shri Mangla Ram,
R/o Type 1/25, Press Colony,
Mayapuri,
New Delhi.
3. Murari Lal
S/o Shri Marata Ram
R/o Type 1/82, Press Colony,
Mayapuri,
New Delhi.
4. Shanker Lal
S/o Shri Parbhati Lal
R/o Type 1/60, Press Colony,
Mayapuri,
New Delhi.
5. Harbans Lal
S/o Shri Nandu Ram
R/o Type 1/157, Press Colony,
Mayapuri,
New Delhi.
6. Bhoop Singh
S/o Shri Gangawasi
R/o Type 1/158, Press Colony,
Mayapuri,
New Delhi.
7. Naresh Kumar
S/o Shri Jai Narain
8. Lal Singh
S/o Shri Karan Singh
9. Naval Kishore
S/o Shri Nans Hari
10. Raj Singh
S/o Shri Shiv Nath

....Applicants.

By Advocate Shri Yogesh Sharma.

Versus

1. Union of India through
the Directorate of Printing,
Government of India,
Nirman Bhawan,
New Delhi.
- W*

2. The Manager,
Government of India Press,
Mayapuri,
New Delhi.

..Respondents

Shri R.V. Sinha, Counsel for the respondents.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

10 applicants before us who are Group 'D' employees in the Government Press Mayapuri and have joined in a single application, are aggrieved that the respondents have filled up all the 33 posts of Offset Machine Attendant in violation of the Recruitment Rules but adjusting surplus employees thereby denying their claims for promotion under the 50% quota available under the Recruitment Rules for promotion among the Group 'D' employees. They have, therefore, prayed that the impugned order dated 25.3.1996, Annexure A-1 and the respondents order dated 17.7.1997 rejecting their representation, be quashed and they have also prayed for a direction that the respondents should consider their cases for promotion to the post of Offset Machine Attendant under the 50% quota.

2. The applicants claim that by virtue of an order dated 11.5.1994, Anneuxre A-6, they were called to take a trade test for the post of Machine Attendant as necessary they had the eligibility of 9 years regular service for such promotion. The respondents it is claimed, however, abolished all the posts of Letter Press Machine Attendant (hereinafter referred to as LPMA) and cancelled the trade test for promotion. They also contend that in March, 1996 respondent No.2 sanctioned 30 posts of Offset Machine Attendant, but filled up these posts without applying Recruitment Rules, by surplus compositors Grade-II.

The applicants contend that the respondents have passed orders for appointment of 33 persons to these posts without considering their case. This, according to them, is totally illegal. They also contend that in other Government Presses similarly situated persons like the applicants have been granted promotion. They also contend that there is no provision under the Recruitment Rules for the appointment to the post of Offset Machine Attendant by surplus employees and, therefore, the action of the respondents was illegal. They refer to the principles laid down in the case of **Sukhdev Sharda and Another Vs. U.O.I. & Others, Swamy's Case Law Digest Volume I page 326.**

3. Respondents in their counter-reply have denied any illegal action on their part. They have averred that under the modernisation programme of Government Presses, 30 posts of Offset Machine Attendant have been created and 15 posts of LPMA were abolished. Recruitment Rules in the case of LPMA was 100% by transfer from among the LPMA with 5 years regular service in the grade who had undergone 6 months training and had qualified in the trade test, failing which by 50% by promotion and 50% by direct recruitment. Before the abolition of 15 posts of LPMA only 4 LPMA are physically on roll but they were not fulfilling the requirement of transfer to Offset side. Government decided that the available 4 LPMA and other surplus staff on the Composite side may be redeployed/transferred after obtaining relaxation in the Recruitment Rules. Accordingly, the respondents passed the order dated 27.3.1985, Annexure R-1 by which 30 posts of Offset Machine Attendant were created in the scale of Rs.950-1500. They have said that the necessary

approval/relaxation etc. from the Directorate of Printing/Ministry of Urban Affairs and Employment vide their O.M. No.2/14(ii)/95-A-1 dated 9.2.1996 and 2/14(ii)/95-A-1 dated 15.3.1996 have been obtained and all the four LPMA plus other surplus staff such as Compositors, Proof Press Man etc. who were surplus due to modernisation, were transferred/redeployed as Offset Machine Attendants. Respondents have also stated that the relaxation had to be done with respect to the length of service by one year and 5 months in one case and 3 years in other cases. Respondents contend that consequent on the acceptance of the modernisation programme 172 posts were created in the Offset side by abolition of 202 posts in the LPMA side. The surplus staff of the LPMA had to be adjusted to the Offset side so that they are put to productive use and they do not lose their jobs. Hence relaxation of the Recruitment Rules in respect of length of service by short period was considered justifiable in public interest. The respondents also contend that it is not as though the applicants who are casual labourers have the only one channel of promotion as Offset Machine Attendant. They can also be considered for promotion as Assistant Binder, Assistant Mechanic, Machine Attendant (Letter Press), Copy Holder etc. and, therefore, filling up of the Offset Machine Attendant post by redeployment of surplus staff etc. had not seriously affected their interests. They have also contended that they have filled up only 26 posts by transfer and redeployment of surplus staff after relaxation of the Recruitment Rules in public interest.

4. We have heard the learned counsel for the parties and have perused the record.

5. The Recruitment Rules in the case of LPMA under modernisation provided for 100% by transfer failing which, 50% by promotion and 50% by direct recruitment. It is, therefore, clear that the LPMA which is under modernisation, the posts are to be filled 100% by transfer of Machine Attendants of Letter Press with 5 years of regular service and there were only 4 LPMA who were eligible for such transfer. In view of this, the Government decided that the surplus staff on the Composite side may be redeployed for transfer after granting relaxation of Recruitment Rules. This was surely in public interest as otherwise, the Compositors rendered surplus would have to go without jobs, and it was well within the powers of the Government to relax Recruitment Rules to consider the absorption of surplus staff against the newly created posts of Offset Machine Attendant. This, in our view, is in larger public interest. The learned counsel for the applicant relied on the decision of the Delhi High Court in **Vijay Pal Singh Vs. Delhi Administration and Others, 1983 (4) Delhi Reported Judgments page 337**. We find that the facts and circumstances in this case are not parimateria with those in the present case. In the aforesaid case, it was held that appointment of surplus teachers was not validly made according to rules. In the present case, however, the respondents had granted relaxation of Recruitment Rules in order that surplus staff on the composite side could be redeployed, in the Offset Printing side in public interest, as surplus arose due to modernisation

of the presses.

6. In the facts and circumstances of the case and in the wake of modernisation programme undertaken by the Government in the Printing Press, in the order passed by the respondents, they have filled up these posts by transferring 4 Machine Attendants and they are to be appointed after undergoing six months training etc. and subject to their qualifying in the trade test in relaxation of the Recruitment Rules as approved by the respondents by their letter dated 25.3.96. Similarly 30 number of P.P. man Grade-II were also deemed to have been appointed against the duly sanctioned posts and they are also subject to same condition of 6 months training and trade test as one time relaxation of Recruitment Rules as pointed out above. 9 Other Compositors of Grade-II were also appointed in relaxation of the Rules against these posts.

7. In the facts and circumstances of the case, we do not find any illegality in the order passed by the respondents for filling up the posts of Offset Machine Attendant. The respondents have, however, stated that the applicants would also be considered for promotion after the modernisation programme is over and future vacancies occur in this cadre. As stated earlier, the applicants who are Grade 'D' employees are also eligible for promotions in other cadres like Assistant Binder, Assistant Machinist, Machine Attendant etc.

8. In the circumstances, there are no grounds to interfere with the impugned order passed by the respondents.

The application, therefore, is rejected. In the circumstances, there shall be no order as to costs.

(K. MUTHUKUMAR)
MEMBER (A)

Rakesh

(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)