

Central Administrative Tribunal, Principal Bench

Original Application No.424 of 1997

New Delhi, this the 15<sup>th</sup> day of September, 2000

Hon'ble Mr.Kuldeep Singh,Member (J)  
Hon'ble Mrs.Shanta Shastray,Member(A)

Vijay Prasad S/o Late Shri Tara Dutt  
aged 54 years, working as Process Officer (Supervisor)  
in the office of the Directorate of Extension,  
Min. of Agriculture,  
New Delhi  
R/o.1071, Sector-5, R.K. Puram, - Applicant  
(By Advocate - Shri A.K. Behera)

Versus

1. Secretary,  
Min. of Agriculture,  
Krishi Bhawan,  
New Delhi-110 001.
2. Secretary,  
Union Public Service Commission,  
Dhaulpur House,  
Shahjahan Road,  
New Delhi.
3. Secretary,  
Ministry of Personnel,Public Grievances &  
Pensions, North Block,  
New Delhi-1.
4. Director of Administration,  
Directorate of Extension,  
Ministry of Agriculture,  
Krishi Vistar Bhawan,  
Pusa, New Delhi-110012. - Respondents

(By Advocate - Shri Anil Singhal, proxy counsel for  
Mrs. P.K. Gupta, Counsel)

O R D E R

By Hon'ble Mr.Kuldeep Singh,Member (J)

The applicant in this case is aggrieved of  
the fact that respondents have clubbed Group 'B' and  
Group 'C' posts as feeder grade for promotion to the  
post of Offset Production Officer (hereinafter  
referred to as OPO). The applicants submitted that  
in a Central Government all the posts have been  
classified as Group 'A', Group 'B', Group 'C' and  
  
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Group 'D' posts under Rule 6 of the CCS (CCA) Rules 1965. According to the said rules, the appointing authority to the post in the various grades have been mentioned in the said rule according to the group to which the post belongs. Similarly the consolidated instructions on framing of the Recruitment Rules and promotion to the various posts clearly stipulate that the same has to be done with reference to the post to which the feeder grade belongs but in spite of the above, the respondents vide Notification dated 12.4.96 have framed the Recruitment Rules titled as Directorate of Extension, OPO (Group B post, Recruitment Rules) 1996 without any reference to the group of the posts which have been put in the feeder grade.

2. It is further submitted that the Process Supervisor (Group-B), Press Supervisor and Composing Supervisor (Group-C) though belong to the different groups, but have been put together in the feeder grade for the said post of OPO.

3. However, it is admitted that all the three feeder posts are in the same pay scale of Rs.1640-2900 but channel of promotion to the post of Press Supervisor and Composing Supervisor are totally different from that of Process Supervisor.

4. It is also submitted that at the time of framing of the rules, the respondents had consulted the Department of Personnel & Training and the Union

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Public Service Commission. However, while putting up the note, the respondents had not informed the DOP&T and UPSC and even did not disclose to the said offices that the posts of Process Supervisor belongs to Group 'B', whereas the posts of Press Supervisor and Composing Supervisor belong to Group 'C'. Thus by suppression from both the departments the respondents wanted to club all the three posts as the feeder posts for the post of OPO and this has been done only to favour one Mr. Raghbir Singh, who is working as Press Supervisor in the office of respondent No.4.

5. It is further submitted that clubbing of posts in different groups is clearly arbitrary and is not based on any rational principle.

6. It is also stated that according to the instructions of DOP&T for framing of Recruitment Rules, the same has to be done with reference to the group of posts belonging to the feeder grade and the same instructions apply for holding of the DPC.

7. It is also pleaded that this would result in giving equal treatment to un-equals and the same is in violation of Articles 14 and 16 of the Constitution of India.

8. The respondents' department is contesting the O.A. and they have denied that clubbing of post of Process Supervisor, Press Supervisor and Composing Supervisor for promotion to the post of OPO has been done arbitrarily. It is stated that the post at the

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time of creation are classified into various groups in accordance with the consolidated instructions on framing of the Recruitment Rules in accordance with DOP&T instructions.

9. .... It is further submitted that as per the consolidated instructions, classification into various groups is allocated on the basis of the nature of details and functional responsibilities attached to the post. While for administrative and other non-technical posts, pay scales also play an important role in classification, the nature of duties and responsibilities is the sole criteria for giving a particular classification of a technical post. But it is specifically pleaded that there is no restriction for clubbing various posts of different classification for promotion to a higher grade specially when the scales of those posts are equivalent. When the posts with different pay scales are clubbed together, different length of service is suitably prescribed.

10. .... It is further submitted that the post of Press Supervisor, Process Supervisor and Composing Supervisor are in the same pay scale and, therefore, they can be placed in the feeder grade similarly and no weightage can be given on the basis of classification, as such the action on the part of the respondents is not only legal and rational but with a view to provide promotional opportunity to all equivalent posts enumerated above, which are otherwise isolated and mutually independent.

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11. It is also stated that initially the posts of Press Supervisor and Process Supervisor, both were classified as Group 'B' posts with the titled as Press Manager and Process Officer respectively before re-designation vide order dated 15.11.1991 (Annexure R-1).

12. Respondents further submitted that the classification of the post of Press Supervisor, Composing Supervisor has not been made under Rule 6 of the CCS (CCA) Rules, 1965 and the posts have been clubbed for the purpose of providing avenues of promotion to all these posts. These were not in the feeder grade earlier for promotion to the post of OPO which was being filled up by direct recruitment till then and the rules have been approved by the DOP&T and UPSC and it is only after their approval that the same have been promulgated. It is denied that it has been done with a view to benefit a particular individual Shri Raghbir Singh. Moreover he was already holding the post of Press Manager which is a Group 'B' post similarly to that of Process Supervisor before its redesignation.

13. It is further submitted that the post of OPO was earlier in the pay scale of Rs.2200-40000 (Junior Group 'A') and could be filled by direct recruitment. It was downgraded to Group 'B' in the scale of Rs.2000-3500 with a view to provide promotional avenues to the posts of Press, Process and Composing Supervisors and it is insisted that since all the  
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three posts are equivalent and carry the same pay scale, the only legitimate and equitable way would be to prepare the eligibility list with respect to their qualifying service in the grade. As regards grouping of posts and qualifying services in the grade or group of posts are concerned, the same is permissible as per the instructions on the grouping of rules.

14. We have heard the learned counsel for the parties and have gone through the records of the case.

15. Shri A.K. Behera appearing for the applicant submitted that since the classification of posts is made under CCS (CCA) Rules, 1965 which is based not only on pay scale but also on functional duties of the incumbents of a particular post and the posts which had already been graded as Group 'B' posts, that cannot be clubbed with Group 'C' post for promotion to the post of OPO and this clubbing is quite illegal and arbitrary and the same should be quashed.

16. Shri Behera has also submitted that according to the instructions of the Department of Personnel and Training for framing of Recruitment Rules, the same has to be done with reference to the group of posts belonging to the feeder grade. He also submitted that the appointing authority for various posts have been specified in the CCS (CCA) Rules to the group to which the post belongs. Thus the group to which the post belongs is the most important criterion not only for appointment but also for  
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promotion. So main attack of the counsel for the applicant against the Recruitment Rules with regard to the promotion is based on the grouping of two posts of Process Supervisor, Composting Supervisor and Press Supervisor.

17. The counsel for the respondents in this regard submitted that the CCS (CCA) Rules prescribes the level of authority for making appointment under various groups. But there is no restriction for clubbing various posts of different classifications for promotion to a higher grade specially when the scales of those posts are equivalent and when the posts with different pay scales are clubbed, different length of service is suitably prescribed.

18. It is further urged that the post of Press Supervisor, Process Supervisor and Composting Supervisor are in the same scale of pay and, therefore, the same post could be placed in the feeder grade without giving any weightage on the basis of classification.

19. Undoubtedly the rules framed for promotion to the grade of OPO had been done in consultation with the DOP&T and UPSC. As regards the consolidated instructions on framing of Recruitment Rules is concerned, we have gone through the Hand Book on Recruitment Rules, 1996 issue of the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training. In para 3.12.2 it is mentioned that promotion may be kept as a method of  
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recruitment depending upon the availability of the field of consideration. Care should be taken to see that the base for promotion is strong, i.e., the departmental candidates are fully qualified for the responsibilities of the higher post and the field is also adequate, i.e. normally the feeder grade should range from 3 to 5 times the number of sanctioned posts in the higher grade. In this case the feeder grade for the post of OPO seems to have been purposefully clubbed with the equivalent posts with a view to provide promotional avenues as the other posts are isolated posts so in such like cases grouping of posts is permissible and that is why the UPSC and DOP&T had approved the Recruitment Rules.

20. .... Paragraph 3.13.1 of the Instructions contained in Col.12 states as follows:-

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 "In some cases, different periods of qualifying services in the respective grade/post on account of different scales of pay are prescribed for promotion in the Recruitment Rules. In order to facilitate preparation of an eligibility list for promotion, in cases where no separate quotas for each different grade have been prescribed, a 'Note' as under may be added:

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 'Note:- The eligibility list for promotion shall be prepared with reference to the date of completion by the officers of the prescribed qualifying service in the respective grade/post'.(emphasis supplied)

21. A reading of the above particular para suggests that even for promotion the feeder cadre can consist of different grades and a method has been provided as to how the eligibility has to be considered. The Hand Book on Recruitment Rules

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nowhere suggests that the posts having same pay scales which may be falling in different groups as per CCS (CCA) Rules, 1965 cannot be clubbed for the purpose of promotion to the next higher grade. In this case both the posts are carrying the pay scale of Rs.1640-2900 though the post of Process Supervisor is a Group 'B' post whereas the other two posts of Press Supervisor and Composing Supervisor though in the same scale of pay of Rs.1640-2900 are in Group 'C' but on the basis of the pay scales the posts can be clubbed for promotion to the post of OPO. Since there is no prohibition of clubbing in the guidelines for the framing of the Recruitment Rules and the rules have already been approved by the DOP&T and UPSC, so we find that the OA of the applicant has no merit and the same does not call for any interference. The same is accordingly dismissed. No costs.

*Shanta Shastry*  
(Mrs. Shanta Shastry)  
Member (A)

*Kuldeep Singh*  
(Kuldeep Singh)  
Member (J)

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