

Central Administrative Tribunal  
Principal Bench: New Delhi  
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(3)

OA No. 426/97

New Delhi, this the 13th day of March, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri S. P. Biswas, Member (A)

Braham Prakash Nahar,  
Librarian (Grade-I),  
Official Language Wing (LD),  
Legislative Department,  
Ministry of Law & Justice  
Indian Law Institute, Building,  
New Delhi.

....Applicant

(By Shri S.M. Garg, Advocate)

Versus

Union of India through  
Secretary,  
Ministry of Law & Justice, Legislative Deptt.,  
Shastri Bhawan,  
New Delhi.

...Respondents

(By None)

O R D E R (Oral)

By Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J):--

The petitioner is holding the post of Librarian (Grade-I) in the Legislative department of Ministry of Law & Justice and Company Affairs. According to the petitioner, he is eligible to be considered for promotion to the post of Assistant Legislative Counsel which is said to be duty post. Under sub rule 3 of rule 6 of the Indian Legal Service Rules, 1957, a Librarian Grade-I is eligible for the said duty post in case the post is not filled up by direct recruitment. It is also stated that the Librarian (Grade-I) in the Legislative Department has no other promotional channel except the consideration for promotion to this duty post. Even though these rules of Indian Legal Service are ordinarily applied in the

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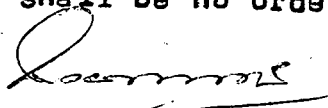
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Legal Affairs department of the Ministry, these are not followed in the Legislative department. The contention of the petitioner is that he is holding the post of Librarian (Grade-I) which is one of the feeder post under third schedule to rule 3 of the Indian Legal Service Rules, 1957 and he is aggrieved by the fact that he is not being considered against the post of Assistant Legislative Counsel.

2. We had issued notice to the respondents and record shows that the notice has been duly received by them and none appeared on their behalf in response to the said notice and it was adjourned again for today. Even today none is present on behalf of the respondents. Hence, we decided to hear the matter *ex parte*.

3. Since the claim of the petitioner is only to be considered against the post of Assistant Legislative Counsel in the scale of Rs. 3000-4500/- and it is also shown that he is available and eligible, and under the common rules of Indian Legal Service, the post he is holding has been shown to be the feeder post, we see no reason, not to direct the respondents to consider the case of the petitioner as well, and when the selection process to the post of Assistant Legislative Counsel is initiated in respondents' department.

With these observations and directions this OA is disposed of. In case the respondents find that any modification to this order is required they are free to approach this court through an Misc. application. There shall be no order as to costs.

  
(S.P. Biswas)  
Member (A)

/na/

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)