

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA 1437/94  
MA 2215/94  
MA 2214/94

New Delhi, This day of 25th August, 1994

Hon'ble Shri N.V. Krishnan, Vice-Chairman(A)  
Hon'ble Shri C.J. Roy, Member(J)

Sh. R.L. Madan,  
S/o Sh. G.D. Madan,  
aged 49 years,  
Private Secretary,  
Office of Comptroller & Auditor General,  
of India, 10, Bhahadur Shah Marg,  
New Delhi - 110 002.

.... Applicant

(By Advocate : Sh. R.P. Oberoi)

Versus

1. I Union of India through,  
Comptroller & Auditor General of India,  
10, Bhahadur Shah Marg,  
New Delhi - 110 002.

2. Deputy Director(P),  
Office of Comptroller & Auditor  
General of India, 10, Bhahadur Shah Marg,  
New Delhi - 110 002.

.... Respondents

(By Advocate: Sh. Madhav Panikar)

ORDER (ORAL)

Shri N.V. Krishnan

The applicant has filed MA 2214/94 to amend the original application. The respondents have taken notice and it is not opposed. The MA is allowed. The learned counsel is directed to amend the concerned portion of the original application in the Registry. The MA 2215/94 is regarding interim relief. The parties agreed that their OA itself will be disposed of by hearing the matter regarding interim relief.

2. We have heard the parties. Admittedly, the applicant has been continuing as a Private Secretary from 20.8.1990. He was sought to be reverted on 15.7.1994 when this OA/ filed by him and an interim direction was issued that the status quo as on that date should be maintained.

3. The respondents have contented that the order of reversion was issued earlier on that day but could not be served on the applicant as he refused to accept it.

4. In the view we are taking, it is not necessary to go into any of these details.

5. It is admitted that the recruitment rules contemplate that there will be a rotation between promotees and deputationists in the ratio of 3:1. Admittedly, there were three posts in the cadre of Private Secretaries. The respondents have filed (Annex-A2) showing the promotion roster in respect of this cadre. The first three posts are filled up by promotees, the last of whom was the applicant. His immediate senior, Smt. Manjeet Kaur who was on deputation has been given the benefit of the next below rule and given promotion.

6. One of the promotees Sh. J.N. Chugh retired on 1.5.1994. This became the fourth roster point reserved for a deputationist. Therefore, respondents contend that the applicant can not continue.

(6)

7. There were discussions whether a fourth post was created for the purpose of the High Power Committee and if so, whether it was a cadre post or an ex-cadre post. We do not want to go into these details. For, we are satisfied that it is possible to dispose of this OA without going into these details.

8. The learned counsel for the applicant submits that Sh. S.S. Singh, another promotee, who was holding one of the three posts, has since expired on 8th August. 94. This has been admitted by the respondent. In the circumstances, this will be the fifth roster point and it would have to be filled up by promotion. In the circumstances, we are of the view that the applicant can be allowed to continue on ad hoc basis in the post of Private Secretary, ~~vide~~ the vacancy of Sh. S.S. Singh, until this post is filled on a regular basis, in accordance with the recruitment rules. We order accordingly.

9. The applicant has prayed in para 4 of the OA for a declaration that the provision in the recruitment rules stipulating a speed in stenography for Senior P.A. in the promotional quota is unwarranted. We have not considered this issue and the order that we have passed today will not stand in the way of the applicant from agitating this issue.

10. OA is disposed of accordingly.

*11/8/94*  
(N.V. Krishnan)  
Vice-Chairman(A)

*11/8/94*  
(C.J. Roy)  
Member(J)

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