

(12)

Central Administrative Tribunal
Principal Bench

O.A. No. 1113 of 2000

New Delhi, dated this the 8th ~~December~~ ^{JANUARY}, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. IFS (B) Stenographers' Association (Regd.) through its Secretary, Shri R.K. Nagpal, Ministry of External Affairs, New Delhi.
2. Shri Harsh Vardhan Singh Negi, R/o A-674, Sector 19, NOIDA-201301, U.P. ... Applicants

(By Advocate: Shri A.K. Sinha)

Versus

1. Union of India through the Secretary, Ministry of External Affairs, South Block, New Delhi.
2. Union of India through its Secretary, Ministry of Finance, North Block, New Delhi.
3. Union of India through the Secretary, Ministry of Personnel, Public Grievances and Pensions, Dept. of Personnel & Training, North Block, New Delhi.
4. IFS (B) Gazetted Officers Association through its Secretary, Ministry of External Affairs, New Delhi.
5. Shri C.O. Thomas, 60, Samachar Apartments, Mayur Vihar Extension Phase I, Delhi-110091. ... Respondents

6. Shri N.S. Mehta for official respondents
Shri K.C.D. Gangwani for intervenor

ORDER

MR. S.R. ADIGE, VC (A)

Applicant namely IFS (B) Stenographers Association (Regd.) and one other had impugned

(X) added vide order dated 21.3.2001

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Respondents' O.M. dated 5.6.2000 (Annexure H) informing them that pursuant to the meeting with Joint Secretary (AD) on 5.4.2000 as per C.A.T., ruling that reasonable opportunity should be given to them of being heard before a final decision is taken in the matter of insitu promotion from P.S. to PPS and from S.O. to Under Secretary. The same has now been examined in consultation with Dept. of Personnel & Training and is being implemented.

2. Applicant Association had earlier filed O.A. No. 2400/99 challenging respondents' proposal to grant insitu promotion of P.S. to PPS grade and S.O. to Under Secretary grade. That O.A. was disposed of by order dated 10.3.2000 with a direction to respondents to give applicant Association a reasonable opportunity of being hearing before taking a final decision in this regard.

3. Pursuant to the aforesaid directions respondents have issued the impugned order dated 5.6.2000. When the matter came up for hearing on 20.2.2000 respondents were called upon to pass a detailed speaking order giving reasons why they ~~have~~ proposed to implement the aforesaid proposal. Accordingly the matter was adjourned to enable respondents to pass the aforesaid order.

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4. Respondents thereupon passed a detailed order on 2.11.2000 (copy of which is taken on record) which applicant association have challenged during hearing.

5. As per IFS Branch B (Recruitment, Cadre, Seniority and Promotion) Rules, 1964, promotions to Grade I of IFS i.e. the post of Under Secretary are to be made from the feeder cadre namely Section Officers of the General Cadre and Private Secretaries of Stenographers Cadre. Under these rules no person shall be eligible for promotion to the grade of Under Secretary unless he has put in eight years of approved service in his respective feeder grade.

6. Applicants contend that under Rule 7(2) of IFS Branch B (Stenographers' Cadre, Private Secretary (Group A) Posts) Recruitment Rules, 1992 every Private Secretary is required to be considered for promotion as Principal Private Secretary (PPS) or for Grade I of IFS (B) i.e. Under Secretary, and option once exercised would be final. It is stated that as on 30.10.96 all the then eligible PSs were required to give their option as mentioned in Para above but due to various limitations inherent in the PPS Scheme for career progression, many PSs who were young had given their option for promotion to Grade I of IFS (B) i.e. Under Secretary, and accordingly the PSs who were even junior to them, but were eligible

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and given their option for promotion as PPS got their regular promotion as PPS through a DPC headed by a UPSC Member. Applicants contend that while effecting in-situ promotions, even the PSs who had opted for promotion to Grade I of IS (B) i.e. those who had opted out of the PPS Scheme would be promoted as in situ PPS and this would create a situation where a senior PS would be an in situ PPS while his junior would be regular PPS for more than three years, which it is contended would lead to unnecessary litigation, besides being against all canons of natural justice. Applicant association seek their in-situ upgradation as Under Secretaries as in the case of Section Officers, when the natural line of promotion for those who opted out of PPS line is Under Secretary.

7. In Respondent's O.M. dated 2.11.2000 it has been stated that the Scheme for in-situ upgradation which covers all eligible Private Secretaries, envisages upgradation only to the next higher scale available in the line of promotion and for this purpose, the normal line of promotion for S.O. is U.S. whereas for a P.S. the normal line of promotion is PPS, even if he has opted for his consideration and promotion in the grade of U.S. The O.M. continues to state that employees given insitu upgradation continue to be borne on the seniority

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list of lower cadre/post. It is further stated that guidelines of in-situ promotion stipulate that in situ promotions/ upgradations are not governed by the provisions of Recruitment Rules and, therefore, the Ministry have not sought for options from Private Secretaries for in situ upgradations and there are no precedents in the Government of in-situ upgradation of PS to Under Secretary grade. In fact it is asserted that the options sought from the PSs were for filling up of permanent vacancies created in the grade of PPS and not for any promotion in Under Secretary grade. It is further stated that personal upgradation of PS as in situ PPS will not change their present seniority in the grade of P.S. and until regular functional promotion against permanent vacancies in the higher grade are made, seniority of all in situ promotees will be maintained in the lower grades. It is also stated that in-situ upgradation of PS as U.S. may, therefore, create administrative and disciplinary problems if in-situ Under Secretaries are asked to do stenographic work, and in any case in-situ PPS (PS) and in situ U.S. (S.O) are treated at par as far as financial benefits. are concerned

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8. We have considered the matter carefully.

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9. While there is merit in Respondents' contention that in situ upgradation of P.S. as U.S. may create administrative and disciplinary problems if in-situ Under Secretaries are asked to do stenographic work, the statement in Respondents' O.M. dated 2.11.2000 that the seniority of all in situ promotees will be maintained in the lower grades, and that employees given insitu upgradation will continue to be borne on the seniority list of lower cadre or post, does not specifically address itself to the question of interse seniority of the insitu vis-a-vis regular PPSs and applicants' consequent apprehensions that when a senior P.S. is granted insitu promotion as PPS, he may find that his junior has already been functioning as a regular PPS for quite some time.

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10. Applicants also apprehend that if S.Os are promoted as U.Ss even on insitu basis, their own chances of promotion as U.S. on regular basis under the Rules might be adversely affected.

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11. We dispose of this O.A. by calling upon respondents to address themselves to these concerns of applicants by giving them a further hearing in the matter, before they actually implement the Scheme of insitu promotion. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

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