

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1965/2000  
MA NO. 2343/2000

New Delhi, this the 10th day of December, 2001

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. D.C.Verma,  
Working as Section Officer,  
Navodaya Vidyalaya Samiti,  
New Delhi.  
Resident of C-235, Gali No.8,  
Ganga Vihar,  
Delhi-110094.
2. Sandeep Datta,  
Working as Section Officer,  
Navodaya Vidyalaya Samiti,  
C-9/9008, Vasant Kunj,  
New Delhi-110070. .... Applicants

(By Advocate: Sh. Anil Srivastava)

Versus


1. Union of India  
Through Secretary,  
Ministry of Human Resource Development,  
(Department of Sec. & Hr. Education)  
Shastri Bhawan,  
New Delhi.
2. Director,  
Navodaya Vidyalaya Samiti,  
A-39, Kailash Colony,  
New Delhi-110048.
3. Sh. N.D.Sharma,  
Working as Assistant Director,  
Navodaya Vidyalaya Samiti,  
A-39, Kailash Colony,  
New Delhi-110048. .... Respondents

(By Advocate: Sh. H.Jayaram proxy for  
Sh. S.Rajappa for Resp.2).

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

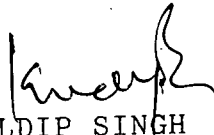
The applicant has filed this OA challenging the proposed appointment as Assistant Director. It is submitted that for promotion to the post of Assistant Director only Section Officers who are working in the department have to be considered and applicants being Section Officer have not been



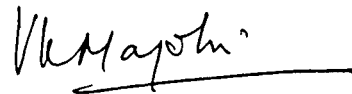
considered but the case of respondent No.3 was considered for absorption and as such the applicants have challenged the same.

2. In the counter affidavit the respondents have also submitted that since the Recruitment Rules require that Section Officer should have a service of 8 years to his credit only then he can be considered for appointment to the post of Assistant Director, whereas the applicants have submitted that they have only 6 years service which was required. The applicants want to challenge the same and since the applicants who are Section Officers and were available to be regularised, the respondent No.3 be repatriated and to that extent, the OA has become infructuous since in the counter-affidavit filed by respondent No.2 it has been stated that respondent No.3 will be repatriated to his parent department on completion of deputation.

3. With regard to amendment in the Recruitment Rules, which prescribe the qualifying service for the post of Assistant Director, applicants will have to file a fresh OA. Since on the score of repatriation of respondent No.3 the OA has become infructuous so the same is disposed of. However, applicants may agitate the case with regard to the amendment in the recruitment rules by filing a separate OA. No costs

  
( KULDIP SINGH )  
Member (J)

'sd'

  
( V.K. MAJOTRA )  
Member (A)