

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 406/2000

New Delhi: this the 14 day of September, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A). 6

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Dr. A. S. Narayana Rao,  
S/o Late A. Ramachandraiah,  
R/o 16A/10, WEAT,  
Karolbagh,  
New Delhi-5,  
and employed as:

Under Secretary (S & T),  
Cabinet Secretariat,  
Room No. 7,  
Bikaner House Annex,  
Shahjahan Road,  
New Delhi-11

.....Applicant

(Applicant in person)

Versus

1. The Secretary (R),  
Cabinet Secretariat,  
Room No. 7, Bikaner House Annex,  
Shahjahan Road,  
New Delhi-11.

2. The Secretary (Personnel),  
Department of Personnel & Training,  
Ministry of Personnel, Public  
Grievances & Pensions,  
North Block,  
New Delhi.

3. The Addl. Secretary,  
Legislative Department,  
Ministry of Law & Justice,  
A-Wing, Shastri Bhawan,  
Dr. Rajendra Prasad Road,  
New Delhi.

....Respondents

(By Advocate: Shri Madhav Panikar)

ORDER

Mr. S. R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to respondents  
to introduce the grade of Joint Director (Rs. 14300-18300)

as an intermediary level between Under Secretary (Rs.10,000-15200) and Director (Rs.16400-20,000) instead of Dy. Secretary (Rs.12000-18000), which he contends is violative of DP & T's OM dated 25.5.98.

2. Heard both sides.

3. At the outset it must be made clear that creation and abolition of posts is a matter within the competence of the executive authorities and Courts/Tribunals would not interfere unless it is found that a post has been created or abolished for reasons which are illegal, malafide or discriminatory.

4. In this connection we note that in respondents' organisation there was no intermediary level between Under Secretary (Rs.10,000-15200) and Director (Rs.16400-20,000). On the basis of cadre review held by respondents during 1992-97, 2 posts of Dy. Secretary have been created in the scale of Rs.12000-16500 (and not Rs.12000-18000) and the recruitment rules have accordingly been amended.

5. We see nothing illegal, arbitrary or discriminatory in this, and nothing contained in DP & T's OM dated 25.5.98 prohibits respondents from doing so.

6. The OA is dismissed. No costs.

A.Vedavalli  
( DR. A. VEDAVALLI )  
MEMBER (J)

S.R.Adige  
( S.R. ADIGE )  
VICE CHAIRMAN (A).

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