

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.113/89 & O.A.114/89 *KSD*

New Delhi this the 10th February, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI B.K. SINGH MEMBER (A)

1. Mrs Surjit Kaur
Wife of S. Sukhvinder Singh
R/o JB-17/E LIG Flat, Maya Puri,
NEW DELHI-110064.

Presently working as Stenographer Senior
in the Office of Central Provident Commissioner,
9th Floor, Mayur Bhawan,
Connaught Circus,
NEW DELHI-1

...Applicant

(Advocate : None)

VERSUS

1. Union of India,
through the Secretary,
Ministry of Labour,
Shram Shakti Bhawan,
NEW DELHI-110 001.

2. The Central Provident Fund Commissioner,
O/o the Central Provident Fund Commissioner,
9th Floor, Mayur Bhawan,
Connaught Circus,
NEW DELHI-110 001.

3. Shri Girdhari Lal,
Superintendent in the Office of the
Central Provident Fund Commissioner,
9th Floor, Mayur Bhawan,
Connaught Circus-110 001.

(Advocate : None)

O.A.114/89

2. Shri A.K. Verma,
S/o Shri Y.R. Verma,
R/o C-7/184, Yamuna Vihar,
DELHI-110053.

...Applicant

(Advocate : None)

VERSUS

1. Union of India,
through the Secretary,
Ministry of Labour,
Shram Shakti Bhawan,
NEW DELHI-110001.

2. The Central Provident Fund Commissioner,
9th Floor, Mayur Bhawan, Connaught Circus,
NEW DELHI-110001.

Contd...2

3. Shri R.M. Parti,
Superintendent in the Office of
the Central Provident Fund
Commissioner, 9th Floor,
Mayur Bhavan, Connnaught Circus,
NEW DELHI-110001.

..Respondents

(Advocate : None)

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The controversy raised in both these O.A.s are similar. They have been heard together. Therefore we are proceeding to dispose of, both these O.A.s by common order.

In these applications under Section 21 of the Administrative Tribunl Act, 1985, the applicants have grievance against the Order of the respondent in not promoting them. By Order dated 20.06.84 on the approval of the Central Provident Fund Commissioner Shri Girdhari Lal, Assistant, was promoted to the post of Superintendent on purely 'temporary and ad hoc basis in the leave vacancy of Smt Sarita Jain (Supdt Examination Section). By order dated 9.12.1988 Shri R.M. Parti, Assistant has been promoted to the post of Superintendent on a purely temporary and ad hoc basis against the existing and anticipated vacancy of Superintendent. The applicants in separate O.A.s challenged these orders and have prayed for the relief that the aforesaid impugned orders be quashed and instead the applicants be promoted to the post of Superintendent with retrospective effect with monetary benefits and seniority.

2. The grievance of the applicants is that they are working as (Stenographer (Senior) from 7.5.81 on regular basis governed by Employees' Provident Fund (Staff

and Conditions of Service) Regulation, 1962 read with Clause 3 of the Third Schedule, the promotion from the level of Stenographer Senior is provided among others to the post of Superintendent in the Headquarters Office.

3. The respondents on the basis of Draft regulations which is the Stenographer (Senior) have been denied consideration for promotion to the post of Superintendent. Since the applicants are the only persons in the Cadre of Stenographer (Senior) who are fulfilling the requisite qualification they have to be given promotion.

4. The respondents who contested this application stated that the post of Superintendent were upgraded from Class III to Class II (non-gazetted) on the recommendations of the Faqir Chand Committee. The existing rules, therefore, became obsolete. The recruitment for the post of Superintendent were drafted and were approved by the Central Board of Trustees and were sent to the Government for its approval. The DPAR advised that since the higher graded in the line of Steno have been created & only the Stenographer (Sr) will be eligible for this higher grade post and suggested that Steno Senior may be dropped from the list of Steno Senior Cadre. The Feeder Cadre, according to the new rules included 50% by the seniority of Assistants/Steno Senior limited departmental and 50% by promotion holding/examination comprising all Assistant Head clerks and Steno Senior. However, the government finally advised that Steno Senior also should be considered for promotion to the post of Superintendent as per the existing rules. The

administration therefore, has taken the process for regularisation of Superintendent as per recruitment rules, giving due representation at that time to each of the feeder grade cadre namely Assistants, Senior Steno and Junior Technical Assistants. In view of this it is stated that the applicant has no case. The applicant has also filed the rejoinder reiterating the affirmations made in the Original application. He, however, stated the applicants are entitled to promotion from the date it became due i.e. from 10.12.83 as no stenographer has been promoted to the post of Superintendent as per recruitment rules and, only assistants have been promoted.

None appears from either side. We have gone through the pleadings. And since it is a old case we dispose it of on merits. The grievance of the applicants stand resolved by the administration itself when in Para-15 of the reply they have undertaken the process of promotion to the post of Superintendent in accordance with the existing Rules by giving due ratio to 3 Feeder grades including Stenographer Senior to which category the applicant belongs. Since the applicants or their Counsels cannot are not present we/ arrive at the latest position whether the respondents have finally processed the selection for the post of Superintendent. No specific direction can be issued. However, respondents are directed to complete the process for selection of Superintendent as per their averment in Para 15 of the reply.

The application is disposed of accordingly with no order as to the cost. The copy of the order be placed on the filoe.

Attested
K. S. Sharma
21/2/84
C/C IV

(B.K. SINGH)
MEMBER (A)

(J.P. SHARMA)
MEMBER (J)