

3

DA-16B 2/89

New Delhi this the 15th Day of April, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member (A)
Hon'ble Mr. B.S. Hagde, Member (J)

- ## Applicants

(Present - None)

V E R S U S

- ## Respondents

(Present - None)

ORDER (ORAL)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The applicants in this O.A. are the Comptometer Operators working in the Directorate General of Supplies & Disposals, Parliament Street, New Delhi. *They* are aggrieved that though they have been working for

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more than 16 years, they have not been promoted as Computers. According to them the rule provide for promotion only after 3 years regular service. One of the applicants is stated to have Master Degree in Economics with Statistics. He too has not been promoted. They have also challenged Vacancy Circular dated 31.7.1989 inviting applications from LOCs of the C CPCS cadre for appointment to the posts of Computer on transfer. They have also alleged that the quota of promotion for Comptist has been arbitrarily reduced from 50% to 25%.

In the counter filed by the respondents, the main averments are these. According to the Directorate General of Supplies and Disposals (Computer) Recruitment Rules, 1961 as amended in 1986, the posts of Computer are required to be filled by promotion and by transfer in the ratio of 50:50, failing any of the methods by direct recruitment from amongst the candidates possessing degree with Mathematics or Statistics as a subject from a recognised University. While transfer quota of 50% is being filled by selection of Lower Division Clerks of the Central Secretariat Clerical Service possessing the qualifications prescribed for direct recruits, ^{Bv} from 25.6.1974 ^{promotion Bv} these posts have been reclassified as 'non-selection' posts and are required to be filled 25% by promotion of Junior Machine Operators and 25% by promotion of Comptometer Operators with 3 years' regular service. There were three regular vacancies in the grade of Computer as on 31.7.1989 which fell in the quota of 'Transfer' and ^{Bv}

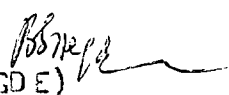
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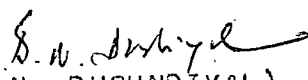
therefore these were required to be filled by transfer of Lower Division Clerks. The impugned vacancy circular dated 31.7.1989 was issued on this basis. Appointments have already been made on the basis of this circular.

This case was peremptorily fixed for hearing among the first ten cases and was called in the revised list. None was present on behalf of the party. As it is a 1989 matter, we are proceeding to decide this case on the basis of pleadings on record.

The position of the rule has already been clarified by the respondents who have also clarified the source for filling up 23 posts of Computers in the Directorate. As many as 9 of these posts have been filled up by promotion of Comptometre Operators, 11 by promotion of Machine Operators and only 3 have been filled by transfer of Lower Division Clerks. It can't, therefore, be said that the said circular dated 31.7.1989 infringes on the rights of the applicants. The O.A. is, therefore, dismissed.

No costs.


(B. S. HEGDE)
MEMBER (J)


(B. N. DHOUNDIYAL)
MEMBER (A)

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