

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

C.A. No. 762/89

Monday, this the 11th day of April, 1994

SHRI N. DHARMADAN (J)  
SHRI P.T. THIRUVENGADAM (A)

1. Harbans Lal,  
D/1883 Jahangir Puri,  
New Delhi 110 031.
  2. Mahesh Chander,  
IV/I/45 Lajpatnagar IV,  
New Delhi 110 024.
  3. Ramesh Chander,  
E/128/C Dilshad Garden,  
Delhi 110 032.
  4. Ranjit Kumar,  
93/9 Pushp Vihar,  
New Delhi 110 017.
  5. Ranjit Singh,  
E/59 Lodi Sarai M.B.Road,  
New Delhi 110 030.
  6. Dalela Ram,  
280 Village Monirka,  
New Delhi 110057.
- .. Applicants

By Advocate Shri D.C. Vohra.

V/s

Union of India through  
The Foreign Secretary,  
Government of India,  
Ministry of External Affairs,  
South Block, New Delhi 110 011. .. Respondent

By Advocate Shri N.S. Mehta (Not present)

ORDER

N. DHARMADAN (J)

Applicants are Lower Division Clerks working under the respondent. They are aggrieved by the delay in regularising them in accordance with the rules.

2. Originally the applicants were appointed as casual labourers. But, as per Annexure-01 order they have been appointed as Lower Division Clerks with effect from 15th July, 1987. A further order, Annexure-03, was also issued for artificial breaks and the applicants are continuing in the post of LDC ever since their appointment to the post and they have approached this Tribunal for a direction to the respondent to fill-up the mandatory quota of promotion for the Group-D staff to Grade VI of the general grade of IFS (B) in terms of the Rule 16 (1)(i)(a) & (b) of the IFS (B) - RCSP Rules, 1964, as amended from time to time. Applicants have also filed representations before the respondent for the same relief.

3. The relevant rule referred to above is extracted below:-

"16. Recruitment to Grade-VI of the General Cadre - (1) Vacancies in Grade-VI shall be filled in the following manner, namely:-

- (i) Ten percent of vacancies may be filled by appointment by promotion of Group-D employees working in the Ministry of External Affairs, in the following manner, namely:-
  - (a) Five percent of the vacancies may be filled on the basis of qualifying examinations held for this purpose by the Staff Selection Commission; and
  - (b) Five percent of the vacancies may be filled on the basis of seniority, subject to the rejection of the unfit, from amongst those Group-D employees who are within the range of seniority prescribed by the Controlling Authority and are educationally qualified for appointment as Lower Division Clerks, i.e. who have passed the Matriculation or an equivalent examination of a recognised Board or University. "

4. According to the applicants, they are fully qualified for getting promotion to Grade-VI within their quota as per the aforesaid rules.

and stated  
5. The respondent has admitted the applicants claim<sup>7/2</sup> that they will be considered for promotion to LDCs' grade in terms of Rule 16(1)(i)(b). But, at present they figure after serial No.12 in the seniority list. Hence, their case was not considered, but they will be considered.

6. In the light of the statement of the respondent in the reply that applicants' case will be considered in accordance with the rules against the quota, after considering the case of the seniors, we are of the view that the application can be disposed of with directions. Accordingly we direct the respondent to consider the claim of the applicants for promotion to Grade-VI under Rule 16(1)(i) (a) & (b) of IFS(B) -RCSP Rules, 1964, as amended from time to time, in accordance with their turn, without any delay. It goes without saying that if the applicants are duly qualified, they will be promoted and absorbed in those posts immediately after the promotion of their seniors.

7. The application is disposed of as above. There will be no order as to costs.

R. J. Thiru

( P.T. THIRUVENGADAM )  
MEMBER (A)

N. Dharmadan  
11.4.94.

( N.DHARMADAN )  
MEMBER (J)

v/-