

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CA-1006/89

Date: 15-5-89

Shri P.C. Misra Applicant

Versus

Union of India & Ors. Respondents

For the applicant In person

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri M.M. Mathur, Administrative Member.

1. Whether reporters of local papers may be allowed to see the judgement? *Yes*
2. To be referred to the Reporter or not? *No*

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

The applicant, who is presently working as Joint Director (Agricultural Marketing) in the Delhi Administration, filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for a declaration that Rules 8 and 9 of the Delhi & Andaman & Nicobar Islands Civil Service (Amendment) Rules, 1988 and the Delhi & Andaman & Nicobar Islands Civil Service (Amendment) Rules, 1989 are unconstitutional and that the Office Memorandum dated 10.3.1989 issued by the Department of Personnel & Training, be declared void.

2. The application was listed for admission on 12.5.1989 when we heard the applicant in person. His main grievance is that by the impugned amendments made in 1988 and 1989, a new junior administrative grade has been created having a pay-scale which is higher than that of the existing grades II and I of the Service to which he belongs. Forty posts in the junior administrative



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grade have been created. The appointment of members of the DANI Civil Service to the junior administrative grade shall be made by promotion on selection basis on the recommendations of the Selection Committee.

The impugned O.M. dated 10th March, 1989 deals with the procedure to be observed by the Departmental Promotion Committees. According to this procedure, the selection will be on the basis of the overall grading of the officers after considering the confidential reports for the relevant years. He has called in question the legality of the creation of the posts of junior administrative grade as well as the procedure for selection embodied in the O.M. dated 10.3.1989.

3. The contention of the applicant is that the impugned amendments and the impugned Office Memorandum are violative of the provisions of Article 14 of the Constitution.

4. In our opinion, the impugned amendments and the Office Memorandum do not suffer from any illegality or unconstitutionality, as alleged by the applicant. The respondents are well within their rights to alter the conditions of service of Government servants unilaterally. The law in this regard has been declared by the Supreme Court in the leading case of Roshan Lal Tandon Vs. Union of India, A.I.R. 1967 S.C. 1889. The effect of the impugned amendment is to confer better promotional avenues on the members of the DANI Civil Service and it does not infringe the constitutional guarantee enshrined in Article 14 of the Constitution. The provision in the amended rules that appointment to the junior administrative grade will be on selection basis, is ~~more~~ reasonable.

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The procedure for making selection on the basis of overall grading as reflected in the confidential reports of the officers, cannot also be said to be unreasonable.

5. In the light of the foregoing, we do not see any merit in the present application and the same is dismissed in limine.

(M.M. Mathur)
Administrative Member

(P.K. Kartha)
Vice-Chairman(Judl.)



"CEN. TRUE COPY"
Dt.
Anil Srivastava
ANIL SRIVASTAVA
Section Officer
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