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CENTRAL ADM IN ISTRAT IVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 131/1988.

DATE OF DECISION: 8th August, 1991

Ashok Kumar Sharma & Ors.

....

Applicants.

v/s.

Union of India & Ors.

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Respondents.

CORAM: Hon'ble Mr. G. Sreedharan Nair, Vice Chairman (J).  
Hon'ble Mr. S. Gurusankaran, Member (A).

Shri B.S. Maine, counsel for the applicants.  
Shri S.N. Sikka, counsel for the respondents.

G. SREEDHARAN NAI R:

JUDGMENT

The applicants are Health Inspectors in the Allahabad and Lucknow Divisions of the Northern Railway. It is alleged by them that they are the seniormost in the cadre of Health Inspectors and are entitled to promotion to the next higher grade of Senior Health Inspector, which is a non-selection post.

2. The grievance of the applicants relates to the decision taken by the respondents to decentralise the posts of Health Inspector and Senior Health Inspector. It is urged by them that if the decentralisation is implemented before filling up the existing vacancies, the applicants will be denied the benefit of promotion.

3. In the reply filed on behalf of the respondents, it is contended that the posts of Senior Health Inspector are to be filled by the respective Divisions on the availability of vacancies. It is further stated that till the decision for decentralisation was taken, no person junior to the applicants was promoted to the cadre of Senior Health Inspectors and that further promotions are to be looked into by the respective Divisions under their own powers.

4. It is not in dispute that prior to 22.7.1987, on which date the decentralisation became effective, vacancies had arisen in the cadre of Senior Health Inspectors. That the post of Senior Health Inspector is filled up from amongst the Health

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Inspectors on the basis of seniority-cum-suitability is also admitted. So much so, the short point that arises is only whether those vacancies are to be filled up only from among the Health Inspectors attached to the Allahabad and Lucknow Divisions. It is well settled that the vacancies that arise in any cadre are to be filled up according to the rules or the system in force when they arise. Though as a policy decision, it is open to the respondents to decentralise the posts of Health Inspector and Senior Health Inspector and the prayer of the applicants to quash the orders under which such decentralisation was ordered does not deserve to be allowed, the respondents have necessarily to be directed to fill up the existing vacancies, in the cadre of Senior Health Inspectors from among the Health Inspectors ~~in the Division~~ <sup>on ~~local~~ basis</sup>. We hereby issue such a direction to the respondents.

5. The application is disposed of accordingly.

*Gurusankaran*  
8/8/1991  
(S. GURUSANKARAN)  
Member (A)

*l.s.s*  
8.8.1991  
(G. SREEDHARAN NAR)  
Vice Chairman (J)

8.8.1991.