

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELH .

DATE OF DECISION: 19.10.88

Regn. No. O.A. 2000/88.

Shri J.C. Moudgil ... Applicant

Vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. Justice J.D. Jain, Vice-Chairman.

Hon'ble Mr. Ajay Johri, Member.

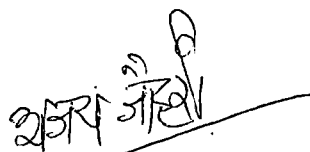
For the applicant: Shri R.K. Kamal, counsel.


JUDGMENT (GRAL)

The grievance of the applicant in this case is that the posts of the Head of Department in the Pusa Poly-Technic, which is under the Delhi Administration, are to be filled up in the ratio of 75 % to 25 % by promotees and direct recruits respectively. The first two vacancies, according to him, occurred in 1984-85 and were duly filled by promotees. The third vacancy occurred on 1.1.1986 but instead of filling the same from promotees, the Delhi Administration intimated the Union Public Service Commission for selecting a candidate to be appointed <sup>as</sup> by a direct recruit. Pursuant thereto, an advertisement (Annexure A-1) has been issued by the UPSC. However, on a representation made by the applicant and the likes, who were looking forward to promotion to the said post, the Delhi Administration has since written to the

UPSC for withdrawing the advertisement and withholding the process of selection. It is so stated by the applicant in para. 6.8 of this Application.

2. It is obvious that the appointing authority in the case is the Delhi Administration and not the UPSC which is only a Constitutional agency for making selections. The recommendations of the UPSC are purely advisory in nature and it is for the appointing authority to ensure that appointments are made to a particular post in accordance with the rule of rota and quota if there is any, as is alleged by the counsel for the applicant. Hence, no case for any directions to the UPSC in this behalf is made out. This Application is rejected.

  
(AJAY JOHRI)  
MEMBER

  
(J.D. JAIN)  
VICE CHAIRMAN.

19.10.1988.