

(11)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2054/88

New Delhi this the 18th February, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Shri B.S. Hegde, Member (J)

1. Yatish Chandra,
S/o Sri Ram Richpal,
Field Publicity Officer (Deputation)
Government of India,
1, Pratap Nagar,
Alwar (Raj).
2. M.L. Thakur,
Field Publicity Officer,
Directorate of Field Publicity,
Government of India,
Balghat.
3. R.C. Kulshreshta,
Field Publicity Officer,
Directorate of Field Publicity,
Government of India,
Sagar (M.P.).
4. Ramamurthy,
Field Publicity Officer,
Salem.
5. Kalyan Singh,
Field Publicity Officer,
Directorate of Field Publicity,
Government of India,
Bhopal (MP).
6. Nagchandy,
Field Publicity Officer (Deputation),
Directorate of Field Publicity,
Government of India
Gwalior (MP).
7. Shri Gulab Khan,
Field Publicity Officer,
Directorate of Field
Publicity,
Government of India,
Gwalior (M.P.)
... Applicants

(By Advocate None)

Versus

1. Union of India through
the Secretary, Ministry of
Information and Broadcasting,
Shastri Bhawan,
New Delhi-110 001.
2. The Secretary,
Ministry of Personnel, Public
Grievances and Pensions
(Dept. of Personnel & Training),
North Block, New Delhi.
... Respondents

(By Advocate: none)

ORDER(ORAL)

(Mr. N.V. Krishnan)

Neither any of the applicants nor their
counsel is present though called twice. None

(2)

is present for the respondents also. This matter is listed at serial No.6 in the regular matters in today's cause list with a note to the counsel that first 10 cases are posted peremptorily for final hearing. As none is present, we have perused the records of the case and we proceed to pass final order.

2. The applicants were appointed on deputation to Grade III posts of Central Information Service Group 'B' posts. Their deputation has been extended from time to time. The applicants have filed the order dated 14.4.88 of the first respondent, i.e., Ministry of Information and Broadcasting by which their deputation has been extended upto the dates mentioned against each person or till the posts are filled by regular incumbents whichever is earlier on the existing terms and conditions of deputation. It is seen from this order that the applicants had joined in 1984 and 1985 on various dates and their deputation has been extended for various periods upto 1988.

3. The applicants state that while so the first respondent has issued an advertisement (Annexure A) which does not bear any date. Perhaps it is dated 9.7.88 as it appears from the particulars given in para 3.1 of the application. By this advertisement fresh applications have been called from candidates for ad hoc deputation to fill up the vacancies in grade III of the Central Information Service Group 'B' subject to the terms and conditions mentioned therein.

4. The contention of the applicants is that as they are already holding the posts on deputation and that it has not been possible for the first respondent to fill up these posts regularly, the

first respondent should be directed to regularise the applicants on these posts.

5. Accordingly, the following prayers have been made in this O.A.:-

"9.1 That the applicants may be permanently absorbed in the Central Information Service Grade-III, Group 'B' in the scale of Rs.2000-3500 against the posts which they are already holding;

9.2 That the applicants may be granted their due seniority in the Central Information Service taking into consideration their total tenure."

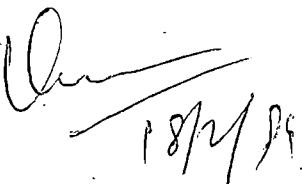
6. The respondents have filed a reply opposing this application. It is contended that the applicants are deputationists who hold lien in their parent department outside the Central Information Service. The existing vacancies are to be filled up in accordance with the Central Information Service Rules, 1959, as amended from time to time. These rules provide that vacancies in Grade III are to be filled up 100% by promotion from Grade IV officers of the C.I.S. It is further provided that posts not exceeding 10% of the strength of Grade III may be filled up by transfer on deputation basis.

7. It is stated that the terms and conditions of the deputation have been specifically mentioned in the appointment orders and, therefore, the applicants have no claim to be regularised on these posts.

8. We have perused the records. The applicants have not filed any rejoinder to the reply, contesting the contentions raised in the reply. It is thus clear that according to the recruitment rules the Grade III of the Central Information Service Group 'B' posts held by the applicants on deputation

basis have to be filled up by promotion from among the Grade IV officers. The Annexure 'A' order extending the deputation of the applicants is subject to two conditions viz. that the deputation would come to an end on an earlier date if the regular incumbents are appointed or it will come to an end on the date upto which the deputation is extended. It is thus clear that the applicants do not have any right to be regularised on these posts. We do not find any merit in this O.A. and it is dismissed. No costs.


(B.S. HEGDE)
Member(J)


(N.V. KRISHNAN)
Vice-Chairman

Sanju.