

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 917/1988  
T.A. No.

199

DATE OF DECISION 1-2-1995C.S.I.R. OfficersPetitionerShri Rakesh TikkuAdvocate for the Petitioner(s)

Versus

Director General,  
CSIR, New DelhiRespondentShri A.K. SikriAdvocate for the Respondent(s)**CORAM**The Hon'ble Shri N.V. Krishnan, Acting ChairmanThe Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? yes
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal? ☒

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan)  
Member (J) 17/1

D.R. (J.)

(24A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
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D.A.No. 917/88.

Date of decision: 01.2.1995

Hon'ble Shri N.V. Krishnan, Vice-Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

C.S.I.R. Officers (Gen.Admn.) Welfare Association,  
through its Joint Secretary,  
Shri R.K. Sharma,  
Son of Shri Jawahar Lal,  
Flat No. L.G., Block II,  
426, Prince Anwar Shah Road,  
CALCUTTA-700 045. ... Applicant

(By Advocate Shri Rakesh Tikku)

versus:

Director General,  
Council of Scientific &  
Industrial Research,  
Rafi Marg, New Delhi. ... Respondent

(By Advocate Shri A.K. Sikri)

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[Hon'ble Smt. Lakshmi Swaminathan, Member (J)]

This application is filed by the Joint Secretary and Officers of the C.S.I.R. (General Administration) Welfare Association, challenging the amendment to the C.S.I.R. Administrative Services (Recruitment & Promotion) Rules, 1982, (hereinafter referred to as the 'Rules'), dated 23.12.1987 which was notified on 9.2.1988 by which the administrative cadre post of Deputy Secretary (designated as Controller of Administration) was thrown open to other cadres such as (a) Finance & Accounts Cadre and (b) Stores and Purchase Cadre. The main grounds taken in by the applicants/challenging the validity of the amendment to the Rules are that :-

- (i) The amendment has not been done in accordance with law and, is, therefore, void;
- (ii) It is arbitrary as unequals have been treated as equals; and
- (iii) The amendment suffers from vagueness as the percentage to be allotted for each category for promotion is unspecified.

2. Before we deal with the merits of the case, we would like to make the following general observations:-

The applicants have challenged the procedure adopted by the Respondents for amending the relevant recruitment rules, relying on several secret documents relating to the hereinafter referred to as the \_\_\_\_\_ for proceedings of the General Body, CSIR/(GB), which we feel they have no locus standi. However, since they had agitated a similar matter before the Tribunal in O.A. No. 1764/87 and also raised other issues relating to the validity of the amended Rule, we heard them at length on the procedural aspects too. In the circumstances, we were constrained to call upon the Respondents to produce all the <sup>relevant</sup> records, including the meetings of the GB, CSIR, which normally would not have been necessary at all to decide this case.

3. The relevant facts of the case are that under Rule 3, (Part I Section II) of the Rules, before its amendment in 1987, the officers of the C.S.I.R. have been divided into the following four cadres :-

- (1) General Cadre;
  - (2) Stenographers' Cadre;
  - (3) Finance & Accounts Cadre; and
  - (4) Stores & Purchase Cadre.
- ..

According to the applicant, there four cadres are separate in entity and functioning, with separate methods for recruitment and having separate hierarchy in promotion in each of the cadres. The promotion to the Selection Grade (Deputy Secretary/Administrative Officer) in the General Cadre under the pre-amended rule, was to be made on the basis of merit from amongst permanent officers of Grade I who have rendered not less than 5 years approved service in that grade and on the recommendations of the DPC. In case eligible officers were not available, the rules provided for relaxation of qualifying service to 4 years and an exception was also made to borrow officers from other organizations, when none were available in the C.S.I.R. for a fixed period upto a maximum of 20% of the vacancies in a year.

4. The applicants have given the following position under the old rules, namely, -

Rule 1 (Part II Section I) Classified the General Cadre in the following six grades :-

<u>Grade</u>	<u>Designation</u>	<u>Group</u>
Selection Grade	Deputy Secretary/Administrative Officer (Selection Grade)	A
Grade I	Under Secretary/Administrative Officer Grade-I.	A
Grade II	Section Officer	B
Grade III	Assistant	C
Grade IV	Upper Division Clerk	C
Grade V	Lower Division Clerk	C

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(b) Rule 1 (Part IV Section I) classified the Finance and Accounts Cadre in the following four grades :-

<u>Grade</u>	<u>Designation</u>	<u>Group</u>
Grade-I	Sr. Finance & Accounts Officer.	A
Grade II	Finance & Accounts Officer	A
Grade III	Section Officer (Finance & Accounts)	B
Grade IV	Assistant (Finance & Accounts)	C

(c) Rule 1 (Part V Section I) classified the Stores & Purchase Cadre in the following seven grades :-

<u>Grade</u>	<u>Designation</u>	<u>Group</u>
Grade I	Stores & Purchase Officer Grade I.	A
Grade II	Store & Purchase Officer Gr. II	A
Grade III	Store & Purchase Officer/Store Officer/Purchase Officer/Store Verification Officer.	B
Grade IV	Senior Stores/Purchase Asstt/Store Verification Assistant.	B
Grade V	Store Purchase Assistant Gr. V	C
Grade VI	Store Purchase Asstt Gr. VI	C
Grade VII	Store Purchase Asstt Gr. VII	C

5. The Rules did not provide for promotions to the rank of Deputy Secretary/Administrative Officer (SG) from Finance and Account Cadre or Stores and Purchase Cadre. The Stenographer's Cadre was another cadre with promotion to the Selection Grade to the rank of Private Secretary (Group B). Therefore, from the above it is seen that it was only in the General Cadre that the rules provided for promotion to the rank of Deputy Secretary/Administrative Officer in the

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selection grade. The applicant contends that since the Finance & Accounts Cadre and Stores and Purchase Cadre have their own hierarchy, grading and recruitment system in the Rules, there was no justification for throwing open the promotion to the post of Deputy Secretary/Administrative Officer to the other cadres. They state that in order to promote the officers belonging to Finance & Accounts Cadre and Stores and Purchase Cadre, the Rules had been amended as stated in letter dated 3.12.1987 (Annexure A) in violation of Articles 14 and 16 of the Constitution against which the applicant's Association had moved this Tribunal by filing O.A. No. 1764/87. The Tribunal granted on 4.12.1987 an ex-parte stay (~~Annexure B~~) against the declaration of the result of the interview which was to be held on 7.12.1987. When the matter came up again before the Tribunal on 18.12.1987 Annexure B), the respondents had submitted that the Rules had been amended by the Vice-President of the C.S.I.R. The extract of the amended Rules as given in the O.M. dated 3.12.1987 (Annexure A) reads as follows :-

15. I am directed to state that with the approval of Vice-President, CSIR Rule 3 of Section II of the CSIR Administrative Services (Recruitment and Promotion)

Rules, 1982 relating to recruitment and Promotion to the post of Deputy Secretary/AO(SG) has been modified as under:-

" Recruitment to this grade shall be made by promotion on the basis of merit from amongst permanent officers of Grade-I General Cadre, Finance and Accounts Cadre and Stores and Purchase Cadre who have rendered not less than 5 years of service in that grade and on the recommendations of the Departmental Promotion Committee which shall interview the eligible candidates.

If in a particular year, sufficient number of eligible officers are not available, DGSIR may at his discretion, relax the qualifying service to 4 years.


The promotion from amongst the officers belonging to 3 different cadres will be on the basis of a quota which will be determined in relation to the number of officers due and eligible for consideration from 3 different cadres during the year.

Notwithstanding anything to the contrary, the appointment to the posts of this grade may be made by borrowing officers for a period from Central Government, allied R&D Institutions and from organised services subject to a maximum of 1/3rd of the number of vacancies in a year, if suitable candidates from within the CSIR are not available. Only such persons who are either already holding the post in the comparable grade or have rendered about 5 years of service in a post in the grade of Rs 3000-4500 or equivalent in their existing organization will be considered.

For such recruitment, the job requirements of the posts shall be notified for suitable nominations from which final selection shall be made by a duly constituted Selection Committee."

6. The Tribunal in its Order dated 18.12.1987 stated that the Governing Body (GB) alone appears to be competent to amend the Rules and the interim relief dated 4.12.1987 was made absolute (Annexure 'B')

7. The applicant's contention is that the amendment to Rule 3 was not only violative of bye-law 71(b) which empowered the GB alone to formulate the Rules for promotion but also suffered from vagueness as it did not specify the ratio to be maintained nor the authority who would decide the ratio. It also treated 'unequals as equals.'

8. In the C.S.I.R.'s letter dated 9.2.1988 (Annexure 'C') it is stated that the GB  at its 115th meeting held on 23rd December, 1987 had approved and ratified the amendment to Rule 3, Section II of the Rules relating to recruitment and promotion to the post of Deputy Secretary/Administrative Officer(SG) as already notified vide the office letter dated 3.12.1987.

The GB had also approved the redesignation of the post of Administrative Officer(SG) in the Labs/Instt.as "Controller of Administration." The amended Rule 3 of Section II of the Rules relating to recruitment and promotion to the post of Deputy Secretary/Administrative Officer(SG) is the same as reproduced in para 5 above.

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9. In this application, the applicant Association is challenging the amended Rule which was notified on 9.2.1988 on the grounds -

- (a) that the GB has merely approved and ratified the amendment of Rule 3 whereas the GB should have itself 'formulated' the promotional scheme;
- (b) that the necessary material should have been placed before the competent authority i.e. the GB for it to take the decision and failure to do so shows that the ratification of the amended Rules by the GB is mala fide and without application of mind; the applicant's counsel Shri Rakesh Tikku urged that the Tribunal may call for the records of the meetings held by the CSIR General Body, particularly of the 113th meeting held on 17.8.1987, and proceedings of the 115th meeting held on 23.12.1987;
- (c) Shri Tikku's submission is that if the amended rules had already been approved in the 113th Meeting of GB, why it needed to be ratified by the 115th Meeting?
- (d) When the functions of the three cadres, namely, General Cadre, Accounts and Finance Cadre and Stores & Purchase Cadre are different, each having their own avenues of promotion as indicated in sub-paragraph B on page 11 of the D.A., the mixing of the cadres was unjustified;
- (e) The amendment is vague; although it states that "promotion from amongst the officers belonging to three different cadres will be on the basis of a quota which will be determined in relation to the number of officers due and eligible for consideration from three

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different cadres during the year\*, according to the applicant, it does not give the ratio of the representations from the three cadres, or provide who would decide the ratio. Therefore, it is highly arbitrary and vague ; and

- (f) the persons in the General Cadre are losing both ways. The justification given by the GB for amendment of the rules is fallacious as the Selection Grade is already available to the officers of the other two cadres, and it is now further thrown open to them to the disadvantage of the general category ; and
- (g) that any vacant post of Deputy Secretary/ Administrative Officer existing on the date of notification of the amended rule should be governed by the earlier Rules as laid down by the Supreme Court in Rangaiah's case (1) below.

10. The learned counsel for the applicant, Shri Rakesh Tikku, has relied on a number of decisions, namely, -

- (1) Y.V.Rangaiah v.J.Sreenivasa Rao (AIR 1983 SC 852)
- (2) S.Majumdar & Others v.State of West Bengal and Others ( 1987 (2) SLR Calcutta High Court 639.
- (3) Thalla Anji Reddi & Others v.Union of India & Others ( 1991) 17 ATC )
- (4) State of Kerala & Others v. K.P. Krishnan & Others (1978 LAB I.C. 920)
- (5) G.Lakminarayana v.Chief Engineer HQ Southern Command Pune and Others (1991) 15 ATC 233)

which we have also carefully considered.

11. The Respondents have filed a reply on

13.6.1988 and further, on our direction, another affidavit on 18.10.1994 giving additional documents in which they have sought to justify the impugned

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amendment to Rule 3 of the Rules. In their reply, the Respondents have stated that the CSIR undertook a cadre review of Administrative/Stores and Purchase and Finance Cadres with a view to streamline them in the Labs./Instt. under them. As a result of the cadre review, it was decided to create more posts of Deputy Secretary/Administrative Officer(SG) and to make appointments by drawing officers from the three cadres so that the officers appointed to these posts may be better equipped to supervise the administration, stores/purchase and finance work. With this in view, it is stated that 28 more posts of Deputy Secretaries/Administrative Officers(SG) were created. In order to throw open the posts to all the three cadres, rule 3 had been amended.

12. Respondents have also referred to the note dated 13.2.1987 which had been prepared by Shri K.C. Rastogi, Consultant, on the subject of "Modernisation of Administrative Cadres." On this, the then Joint Secretary had put his remarks on 4.3.1987 and had sought the approval of the Vice-President which was duly given on 25-6-1987 (Additional documents at pages 152-158 of the paper book). After the approval of the Vice President, CSIR, a note was prepared suggesting modification to the Rules which was circulated to all the Labs/Instts(page 159). The amended rule, which had the approval of the Vice President, CSIR, was challenged by the

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applicant in DA No.1746/1987 on the ground,  
inter-alia, that the Vice-President, CSIR, had  
no power to amend the rule which only the  
G.B. could do. According to the respondents, the  
G.B. passed and approved the amendment in  
the Rule in its 115th Meeting held on 25.3.1987  
which was then notified on 9.2.1988. They have  
also clarified that the materials relevant to  
the cadre review to streamline the administration  
and internal audit infrastructure had been put  
up before the G.B. in its 113th Meeting held  
on 17.8.1987 which it was approved by the GB.  
However, no formal amendment in the Rule was  
carried out till after the approval of the  
GB in its 115th meeting held on 23.12.1987.  
In the above circumstances, Shri Sikri,  
learned counsel for the respondents, submits  
that the amendment of the Rule made by the GB  
after considering all the aspects and making  
extensive review of the cadres is just and  
proper and the application should, therefore,  
be dismissed. He further submits that it is  
the function of the employer to see how the  
man-power can be best utilised and the Tribunal  
should not, therefore, interfere (see Khanzode and  
Ors.v.RBI) (AIR 1982 SC 917). The amendment of the  
Rule had been done bona fide to relieve the  
Directors of Labs/Instts. of routine administrative  
burden and the officers at the level of Deputy  
Secretary/Administrative Officers were to assist

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the Heads of the Institutions in the administration, finance and management.

13. The respondents have averred that at the time when the revised rule came into force, no employee belonging to the General Cadre was eligible for promotion to the post of DS/ADs(SG) and, therefore, there was no question of filling up any such posts under the old rules, i.e. from the General Cadre only. In fact, they have categorically stated that a number of posts have been created which are to be filled up as per the amended rules. They have denied that all these 3 cadres are separate in entity and functions, and in any case, that does not preclude the competent authority to make changes in the rules in the exigencies of service and better administration.

14. Regarding the objection relating to the quota to be fixed for each of the categories for promotion, the respondents state that there is no such vagueness as alleged. The Rules itself clearly spells out that promotion from amongst the officers belonging to the three different <sup>cadres</sup> will be on the basis of a quota which will be determined in relation to the number of officers due and eligible for consideration from the three different cadres during the year. This will be determined by the competent authority for each year.

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15. The respondents submit that the Governing Body of CSIR, being the competent authority to make or amend Rules, had modified Rule 3 of Section-II of the Rules, which had the prior approval of the Vice-President. All relevant materials for the amendment were before the GB in its 115th meeting and the averment of the applicants to the contrary was baseless. Therefore, they state that the amendment to Rule 3 of Section II of the Rules was validly carried out in public interest to streamline the administrative cadres and the application should, therefore, be dismissed.

16. The learned counsel for the Respondents relies on the following judgements of the Supreme Court in

- (1) Prabha Devi v. UOI (AIR 1988 SC 902), (2) Rajbeer Singh and Ors. v. Administrator, U.T. Delhi (AIR 1982 SC 19), (3) Khanzode & Ors v. Reserve Bank of India (AIR 1982 SC 917) & (4) S.R. Mathur & Ors v. Hon'ble Chief Justice, Delhi High Court (AIR 1988 SC 2073).

17. We have considered the lengthy arguments preferred by the learned counsel of both the parties; the records and the case law referred <sup>to</sup> above. As directed by us, the respondents have also submitted the proceeding of the 113th and 115th Meetings of the Governing Body of the CSIR held on 17.8.1987 and 23.12.1987, respectively, for our perusal.

18. Having seen the records in the case, we are satisfied that it is the Governing Body, which admittedly is the competent authority, which has amended Rule 3 Section II of the Rules.

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19. From a perusal of the proceedings of the 113th meeting of the GB held on 17th August, 1987, in particular items 5 and 6 of the Agenda, we have, no doubt, that the GB had before it the relevant materials relating to the recommendations of the High Powered Committee for Career Development, Rationalisation of Purchase Procedure and Methodologies for Career Review. It is stated that the GB approved the proposal regarding purchase procedure and noted that the administrative and internal audit infrastructure in the laboratories were being adequately streamlined in the cadre review. The GB was also informed that a suitable time-table for introduction of the scheme would be drawn up.

20. The GB in its 115th meeting held on 23.12.1987 considered the amendment to the Rules under item No.4 as part of the cadre review and approved the proposal mentioned in the agenda note. The relevant portion of Item No.4 in the proceedings of the 115th Meeting of the GB reads as follows:-

\*Item No.4 :- Amendment to the Administrative Services (Recruitment & Promotion) Rules, 1982.

While explaining the proposal, the Chairman pointed out that this was part of our Cadre Review and also part of the steps taken to modernise and streamline the administration. Some of the steps had already been reported to the Governing Body

in its meeting on 17.8.1987. This was also in line with the CSIR Review Committee which had recommended that the laboratory must be supported by a professional manager who would take on the responsibility of administration, finance and management of the laboratory system.

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The Chairman also informed the Governing Body that certain people had approached the Central Administrative Tribunal against the selection made by the D.P.C. from out of the purchase and finance cadres in accordance with the rules as amended with the approval of the Vice-President CSIR. The CAT had also given a stay order to the publication of the results of the DPC. On being consulted, the Additional Solicitor-General had advised that the matter may be placed in the next meeting of the Governing Body."

The Governing Body, while approving the proposal contained in the agenda note, approved and ratified the following amendments to Rule 3 of the Administrative Services (Recruitment & Promotion) Rules, 1982 as notified in CSIR OM No.33(11)/87-EI dated 3.12.1987."

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The decision of the Vice-Chairman, CSIR made on the recommendations of the Chairman of the Governing Body may kindly be ratified the redesignation of the post of Administrative Officer(SG) in Laboratories as Controller of Administration may also be approved.\*

The amendment to Rule given in OM dt.3.12.87 has been reproduced in paragraph 5 above.

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21. Therefore, from the minutes of the 115th Meetings of the GB, it is clear that the amendment to Rule 3 as well as the redesignation of the post of Administrative Officer(SG) in Laboratories as Controller of Administration was approved and ratified by the GB, being the competent authority, only in the latter meeting held on 23.12.1987.

22. The contentions of the applicant that the post of Deputy Secretary/Administrative Officers(SG) being a general cadre post, cannot be filled by any other cadre is also without any merit. The GB, CSIR



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had in its collective wisdom, in furtherance of a detailed and well-thought of cadre review, carried out the proposal for amendment of the Rules. The plea that the amended rule is arbitrary and unreasonable cannot be accepted because it is well-settled law that the rule making authority is competent to frame rules laying down eligibility conditions for promotion to a higher post. Further, the purpose of the amendment to Rule 3 has a reasonable nexus to the purpose for which it has been done, namely to have persons conversant in several disciplines to assist the Directors of Laboratories/Institutes under CSIR and we do not, therefore, find any merit in the applicant's contentions. The amended rule can neither be held to be arbitrary nor unreasonable because it provides more avenues for promotion to the other two cadres, namely, Finance and Accounts<sup>and B</sup> Stores and Purchase Cadres, alongwith the General Cadre. The averments of the applicants that the other two cadres have their own promotion avenues to the selection grade is not borne out by the extract of the existing rules given in the O.A. Apart from this, in view of the additional number of posts created now, there is no basis for the objection raised by the applicants that they are adversely affected by inducting persons from the other two streams.

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23. The rule does not also suffer from any vagueness as alleged by the applicant. The quota for each cadre is to be determined in relation to the number of officers due and eligible for consideration from the three different cadres during that particular year. Although this number will vary from year to year depending on how many officers have completed the eligibility criteria, nevertheless, the criteria on the basis of which the promotions are to be effected from the officers of the three cadres are well defined and does not suffer from any arbitrariness or vagueness.

24. We find no substance in the ground taken by Shri Rakesh Tikku in para 9(f) above. Merely by throwing open the selection grade of Deputy Secretaries/Administrative Officer to the other two cadres, namely, Finance and Accounts cadre and Stores and Purchase cadre does not, in any way, affect the interests of the persons in the General Cadre adversely so as to make the amended rule arbitrary or unreasonable. The amendment is justified on the ground of better administration so as to have persons conversant in more than one discipline at that level. Further, as pointed out by the respondents, 28 more posts of Deputy Secretaries/Administrative Officer(SG) have been created after the cadre review, thereby opening

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more avenues for promotion for all the three cadres.

Accordingly, this argument of Shri Tikku is also rejected.

25. Both the learned counsel have relied on a number of judgments of the Supreme Court/High Courts and of this Tribunal. We may<sup>firstly</sup> deal with the judgments relied upon by the applicants in para 10 above.

(1) In Rangaiiah's case(supra) the Supreme Court held that vacancies which occurred prior to the amended rules would be governed by the old rules and not by the new rules, as submitted in para 9(g) above. However, in view of the facts stated in para 13 above that there was no employee eligible for promotion to the post of Deputy Secretary in accordance with the provisions of the old rule, this judgment will not assist the applicants. (2) The decision of the Calcutta High Court in S. Majumdar's case(supra) deals with clubbing together of officers of different ranks by promotion to a common higher rank which was held to be violative of Articles 14 and 16 of the Constitution. The facts in the present case are different because the persons who were being considered for promotion to the post of Deputy Secretary belong to the same rank/grade and so this case is also not relevant. (3) The decision in Thala Anji Reddi and Ors v. UOI & Ors(supra) is based on the particular language of the Rules which was held bad because it would lead to unequal distribution of posts in actual implementation and (b) the law maker had abdicated his power of appointment of vacancies for

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promotees and direct recruits. As mentioned above, there is no such infirmity in the amended rules before us, as the rules clearly lays down how the proportion will be determined among the three different cadres and this judgment will not <sup>at all B.</sup> strengthen the applicants' contention. (4) The decision of the Kerala High Court in State of Kerala and others v. K.P. Krishnan & Ors (supra) will also not help the applicants, because it is not the contention of the Respondents that the amended rule 3, which was approved and ratified by the GB in its 115th Meeting on 1987 will take effect from any earlier date. So this case is also not relevant. (5) the last decision relied upon the applicants (G. Lakminarayana v. Chief Engineer, HQ Southern Command (Supra) <sup>again B.</sup> is not at all relevant, as the main issue in that case was regarding DPC's consideration of ACRs for promotion, with which we are not concerned here. Among the other judgments cited <sup>by the learned counsel for the Respondents</sup> we feel that it will be sufficient to refer to one of the judgments of the Supreme Court in detail here, namely, S.B. Mathur v. Hon'ble Chief Justice, Delhi High Court (AIR 1988 SC 2073). In this judgment, the Supreme Court has held-

\* ..... It is an accepted principle that where there is an employer who has a large number of employees in his service performing diverse duties, he must enjoy a certain measure of discretion in treating different categories of his employees as holding equal status posts or equated posts, as questions, of promotion or transfer of employees inter-se will necessarily

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arise for the purpose of maintaining the efficiency of the organisation. There is therefore, nothing inherently wrong in an employer treating certain posts as equated posts or equal status posts provided that, in doing so, he exercises his discretion reasonably and does not violate the principles of equality enshrined in Articles 14 and 16 of the Constitution. It is also clear that for treating certain posts as equated posts or equal status posts, it is not necessary that the holders of these posts must perform completely the same functions or that the sources of recruitment to the post must be the same nor is it essential that qualifications for appointment to the posts must be identical."

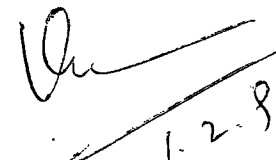
Further, the Supreme Court held that the use of the combined seniority of Superintendents, Court Masters and Private Secretaries in the High Court for promotion to the post of Assistant Registrar cannot be struck down on the ground that the prospects of promotion of Superintendents are reduced. The facts of the case and judgment of the Supreme Court in Mathur's case are fully applicable to the facts of the case before us. The general body of CSIR has exercised its discretion to equate certain posts in the three cadres of General Cadre, Finance and Accounts Cadre and Purchase and Stores cadre for promotion to the new post of Controller of Administration in the interests of General Administration of the CSIR and this cannot be faulted as being unreasonable or improper or *illegal*.

26. In the facts and circumstances of the case, we find no merit in the challenge to the amendment of rule 3 of the Rules as the same had been done by the competent authority, namely, the Governing Body in accordance with the relevant rules and in furtherance of streamlining the administration, which is well within its powers. The amended rule has not treated 'unequals as equals' and does not violate

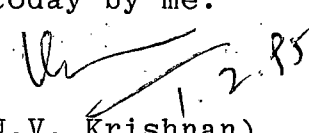
the principle of equality enshrined in Articles 14 and 16 of the Constitution nor does it suffer from any other infirmity. We therefore, reject all the contentions put forward by the applicant.

27. In the result, the application fails and is dismissed. There will be no order as to costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

  
(N.V. Krishnan)  
Vice Chairman(A)  
01.2.1995

Delivered in the open court on behalf  
of the Bench today by me.

  
(N.V. Krishnan)  
Vice Chairman (A)  
01.02.95