

3

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. CA 1874/87.

January 8, 1988.

Shri Kul Bhusan Batra & Anr. Applicants.

Vs.

Union of India & Ors Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicants Shri L.K. Gaur, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman).


This is an application under Section 19 of the Administrative Tribunals Act, 1985 by two Senior Research Officers of the Additional Directorate General of Intelligence Ministry of Defence, New Delhi to issue a writ of Mandamus and other appropriate directions to respondents 1, 2 and 3 for expeditiously conducting and completing the proceedings for holding the D.P.C. for the post of Principal Research Officer and consider the promotion of the applicants Nos. 1 and 2 from 20.3.1987 and 29.10.1987 respectively.


Apart from the fact that the applicants should have filed two separate applications, we do not think a writ of Mandamus of the nature prayed for could be issued. There is no Rule which requires any post lying vacant to be necessarily filled up by the respondents. Applicants cannot claim promotion as of right. They do, however, have the right to be considered for promotion

bej

if eligible under the Rules.

The applicants allege that the Departmental Promotion Committee meeting is not being held by the respondents Nos. 2 and 3 only with a view to accommodating one of the Senior Research Officers, Shri M.L.Kak ^{against} the post of Principal Research Officer who does not have the requisite qualification of a Master's Degree in Mathematics or Mathematical Statistics. It is further alleged that there is a move to amend the present Recruitment Rules so as to suit Shri M.L.Kak. As and when the Rules are actually amended ~~xxx~~ as alleged with the aforesaid mala fide intention, that could be gone into. How far an amendment of a Rule which is a legislative Act could be attacked on the ground of mala fides, would also have to be considered then. As of now when the amendment has not been made, it is premature to go into that question especially when no Mandamus could be issued against a Legislative Authority from amending the Rules. This application is without any merit and it is accordingly dismissed.


(Kaushal Kumar)
Member
8.1.1988.


(K. Madhava Reddy)
Chairman
8.1.1988.