

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1251/90

DATE OF DECISION: 21.8.1990

READING STAFF ASSOCIATION
(REGD) AND ANOTHER

APPLICANTS

VERSUS
DIRECTOR, DIRECTORATE OF
PRINTING AND OTHERS

RESPONDENTS

SHRI S.M. GARG

COUNSEL FOR APPLICANTS

SHRI K.C. MITTAL

COUNSEL FOR RESPONDENT

NO.2

SHRI C.L. DHAWAN

COUNSEL FOR RESPONDENT

NO.3

Coram:

The Hon'ble Justice Amitav Banerji, Chairman

The Hon'ble Shri I.K. Rasgotra, Member (A)

ORDER

The Joint Secretary, Reading Staff Association and Shri Inder Prasad, Copy holder of Government of India Press, Ring Road, Mayapuri, New Delhi have filed this application under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by the OM dated 24.5.1990 transferring Shri Suresh Chand Sharma, Reader, Government of India Press, Shimla, Respondent No.3, to the New Delhi Press against one of the existing vacancies. The case came up for consideration of grant of interim relief today when it was observed that the matter can be disposed of finally at this stage.

2. The learned counsel for the applicant submitted that he would not like to file any rejoinder to the separate replies filed by the respondent No.3 and respondent No.2. The learned counsel for the respondent No.2 submitted that respondent No.1 did not propose to file any reply.

3. The case of the applicant briefly is that in terms of Rule 3 of the recruitment Rules, regulating the recruitment to the post of Reader, Group-C, (Nongazetted and non-ministerial post) in the Government of India Press notified by the Ministry of Works and Housing on 14.2.1985, each press has its own independent cadre and that number of posts in the cadre of Readers in each of the Government of India Presses is also specified in Annexure-2 to the Recruitment Rules. While the Press in New Delhi has 35 posts of Readers, the Press in Shimla has a fixed cadre of 25 Readers. The method of recruitment prescribed under the Recruitment Rules is by promotion failing which by transfer on deputation and failing both by direct recruitment. The Recruitment Rules further prescribe that 55 percent of the vacancies shall be filled from the Grade of Reviser with three years regular service in the grade or Copy Holder with 5 years regular service in the grade on the basis of seniority, subject to their qualifying in the Readership Examination conducted by the Directorate of Printing. The remaining 45 per cent of vacancies shall be filled on the basis of merit through the same Readership Examination. The learned counsel for the applicant submitted that induction of a reader from outside the cadre in the Press in New Delhi would adversely affect the promotional prospects of persons working there, irrespective of the fact whether the promotion is made on the basis of seniority from among the Revisers and Copy Holders or on the basis of merit through Readership Examination. The transfer of Respondent No.3 from Shimla to Delhi would, therefore, result in improving the promotional prospects of the staff in Shimla simultaneously depriving the aspirants for promotion to the post of Reader of one post in that grade.

4. Advocate Shri K.C. Mittal, appearing for the Respondent No.2 contended that Respondent No. 3 has been transferred in terms of the provision made in the Recruitment Rules under Column 12. The learned counsel further submitted that Respondent No.3 has already

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reported for duty in the New Delhi Press. The counsel for Respondent No.3 confirmed that respondent no. 3 in fact joined New Delhi Press on transfer from Shimla on 5.6.1990 much before 31.6.1990 when the ex-parte stay was granted by the Tribunal. He, however, complained that no duties have been allocated to respondent No.3. It was further brought out that respondent No.3 has been transferred to Delhi on Compassionate grounds and given bottom seniority in the cadre of Readers.

5. We have considered the submissions made by the counsel of the respective parties and perused the records carefully. We are of the view that there is no provision in the Recruitment Rules permitting transfer on compassionate grounds. Provision for transfer on deputation however is available only when adequate number of candidates are not available in the cadre for promotion. Further, since there is no provision for inter cadre transfer, such transfers if and when effected would adversely affect the promotional avenues of the staff in the Press where the induction is being made, besides being infraction of the Rules. The OM dated 24.5.1990 issued by Respondent No.1 transferring Respondent No.3 as Reader from Government of India Press, Shimla to Government of India Press, Ring Road, Mayapuri, New Delhi is quashed, being in contravention of the statutory Rules promulgated under Proviso to Article 309 of the Constitution.

The OA is disposed of as above.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A)

AB
(Amitav Banerji)
Chairman