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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1523/90

New Delhi this the 7th day of October, 1994

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Ansuja Prasad S/O Suresha Nand,
R/O II-102, Press Colony,
Mayapuri, Ring Road,
New Delhi - 110064.

2. Shri T. K. Sahni S/O Pratap Chand Sahni,
R/O 43, Maya Apartments,
Bodella, Vikaspuri,
New Delhi.

... Applicants

By Advocate Shri O. P. Sood

Versus

1. Union of India through
Secretary, Ministry of
Urban Development, A-Wing,
Nirman Bhawan, New Delhi.

2. Director of Printing,
'B' Wing, Nirman Bhawan,
New Delhi.

3. Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

... Respondents

By Advocate Shri Madhav Panikar

O R D E R

Shri S. R. Adige, Member (A) —

In this application Shri Ansuja Prasad and one other, both Revisers, Govt. of India Press, Mayapuri, New Delhi have prayed for a direction to the respondents to promote them against the promotional quota of 55% as and when vacancies fell due with all consequential benefits.

2. According to them, applicant No.1, Shri Ansuja Prasad was initially appointed as a Copy Holder on 17.1.1957, and was promoted as Reviser on 15.5.1967

and as Reader Gr.-II on 15.6.1972, and thereafter as Reader Gr.-I on ad hoc basis on 11.10.1972. Thereafter, he was reverted to the post of Reviser on 21.1.1977. Similarly, applicant No.2, Shri T. K. Sahni was appointed as Copy Holder on 12.2.1963, promoted as Reviser on 25.6.1971 and as Reader Gr.-II on 1.12.1972, and was reverted as Reviser on 21.1.1977. According to them, applicant No.1 stood at sl. No.2 in the grade of Revisers, while applicant No.2 stood at sl. No.5. They aver that in accordance with the 1974 recruitment rules there were two types of Readers, viz., Readers Gr.-II (Rs.140-240) and Readers Gr.-I (Rs.175-320). The post of Reader Gr.-II was to be filled 100% by selection through a limited competitive examination confined to Copy Holders and Revisers with three years' service in either of both the grades, and failing that by direct recruitment through a trade test. The post of Reader Gr.-I was to be filled 100% by promotion from Readers Gr.-II with three years' continuous service in the grade failing which by direct recruitment through a trade test. They state that these 1974 rules were superseded by the revised recruitment rules made effective from 14.2.1985, according to which the two categories of Readers were merged into one, and 55% were to be filled through non-selection basis by promotion from the grade of Revisers with three years' service or Copy Holders with five years' service subject to seniority and qualifying trade test, while the remaining 45% were to be filled on selection basis through an examination to be conducted by the Directorate of Printing.

3. Admittedly, no Readership examination was held till the year 1976 and that year both the applicants appeared but did not qualify, and hence, applicant No.1 was reverted from the post of Reader Gr.-I to the post of Reviser, while applicant No.2 was reverted from the post of Reader Gr.-II to that of Reviser. The next examination was held in 1980, in which both the applicants passed. At that point of time, the recruitment rules of 1974 as amended in 1976 were in force. According to the respondents as the turn of the applicants as per the rank attained by them in the limited competitive examination held in 1980 was not reached because of their low rank in the examination within two years upto which the panel remained alive, they could not be appointed on the basis of that examination. The next examination was held in 1984, but the applicants did not sit for it. Thereafter the next examination was held in 1990 but the applicants were not allowed to sit for that either because they had crossed age limit of 50 years. Meanwhile, on 23.4.1992, an office order was issued amending the Readership examination rules of 1985. This O.M. stated that upto that time, the practice of appointment of persons on promotion as Readers both on the basis of merit as well as seniority had been from out of the successful candidates of the aforesaid examination held in a particular year, which meant that even persons to be promoted against the 55% quota of seniority for a particular year had to qualify in the Readership examination even if they had qualified earlier but could not be appointed as their turn had not come because of their low seniority.

It had now been decided that a person who was eligible to appear in the limited departmental Readership exam for promotion, would have the option not to appear in the next or future Readership examinations in case he did not wish to be considered for appointment against a vacancy falling in the merit quota. His having qualified in the Readership examination once, would make him eligible for appointment as Reader against a vacancy falling under the 55% seniority quota, whenever his turn came as per his seniority amongst the candidates who had qualified in the examination once.

4. We have considered this matter carefully. Prior to the amendment to the Recruitment Rules in 1985, the Recruitment Rules of 1974 as amended in 1976 were in force, according to which posts of Reader Gr. I were filled 100% by promotion on non-selection basis from Readers Grade II, failing which by direct recruitment through a trade test. ^{in parts of} The Readers Gr. II were filled 100% by selection through Limited Competitive Examination, ⁱⁿ ~~to~~ ⁱⁿ ~~confined~~ ^{to} Copy Holders/Revisers with three years' service in either or both grades, failing which by direct recruitment. Neither the applicants even qualified in the Limited Departmental Competitive (Readership) Examination held in 1976, and hence their regular promotion at that stage did not arise. The next examination was held in 1980, at which point of time, the 1974 Recruitment Rules as amended in 1976 were still in force, by which all the posts of Readers Gr. II were to be filled

100% by selection basis through the Limited Competitive Examination. Both the applicants no doubt sat in that examination, but it is not denied by them that neither of them secured high enough positions in the merit list to enable them to be promoted against the vacancies to the post of Reader Gr.II which arose during the two years life of the panel, at the end of which, the validity of that panel expired. The next examination^{was} held in 1984 but neither^{of} the applicants appeared in that. Thereafter, the next examination^{was} held in 1990 but by that time the applicants had crossed the age bar of 50 years and hence were not allowed to appear. Meanwhile, the Recruitment Rules had been amended on 14.2.85 by which the two grades of Readers were merged into one. 55% of the total vacancies were to be filled by promotion on non-selection basis from Revisers/ Copy Holders on the basis of seniority subject to their qualifying in the Readership Examination, and 45% by selection on merit on the basis of Readership Examination. As neither the applicants had appeared in the Readership Examination, after the 1985 Amendments came into force, the question of giving them regular promotions against the seniority quota prior to the issue of O.M. 23.4.92 does not arise. It is by that O.M. that the persons once qualified in the Readership Examination^{become} ~~would make them~~ eligible for appointment as Reader, against the vacancies falling in 55%^{seniority} quota whenever their turn come as per their seniority among the

candidates who had qualified in the examination once. It is well settled that rules, regulations, Circulars etc. are always prospective in effect, unless it is specifically stated that the same shall have retrospective effect, and during hearing Shri Sood for the applicants stated that applicant no. 1 at any rate had been promoted as Reader in the background of Circular w.e.f. 1.9.92. Hence the question of applicants ^{claiming} promotion from a date prior to the issuance of this Circular does not arise. Under the circumstances, we see no reason to interfere in this matter and this application fails and it is accordingly dismissed. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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