

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

Date of Decision: 5.8.94.

OA 893/90

K.C. RUSTOGI

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLR MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.  
HON'BLE MR. B.K. SINGH, MEMBER (A).

For the Applicant

... SHRI J.V. RAGHAVAN.

For the Respondents

... NONE.

PER HON'BLE MR. B.K. SINGH, MEMBER (A).

This Original Application No.893/90, K.C. Rustogi Vs. Union of India and others, has been filed against the Establishment Order No.84/92 dated 12.11.82, by which the respondents have appointed some Assistants to the post of Enforcement Officer. The Recruitment Rules filed by the respondents at Annexure R-1 laid down that the officers coming either on deputation or on transfer basis or the departmental candidates will be subjected to a qualifying test in which 40% marks will be earmarked for the written test, 40% for viva-voce and 50% marks for assessment of the Annual Confidential Reports and 50% as Aggregate will be required for empanelment. The person who will be getting less than 50% marks, will be declared as unsuccessful. The learned counsel for the applicant argued that there were no recruitment rules when the qualifying test was conducted. The rules which were in existence in 1971 were amended from time to time. The respondents have prepared the impugned seniority list, which is under challenge and a notice was also issued to the respondents, who filed the reply contesting the application and the reliefs prayed for.

2. Though the respondents did not follow the uniform standard but they have stated in the Establishment order dated 12.11.82 that these appointments to the post of Enforcement Officers are on the basis of the recommendations of the

duly constituted DPC. The applicant had filed a representation also dated 6.11.87, which was duly considered in consultation with the DOPT and the Ministry of Defence, of which Revenue is a department, and was rejected. The merit list was prepared strictly on the basis of the recommendations of the DPC and the DPC made recommendations on the basis of the qualifying marks and on the basis of the assessment of ACRs.

3. After hearing the learned counsel for the applicant and going through the pleadings, we are not inclined to interfere with the impugned seniority list prepared by a regularly constituted DPC on the basis of recruitment rules of 1971, as amended in 1974. The OA is dismissed but without any order as to costs.

  
( B.K. SINGH )  
MEMBER (A)

  
( D.L. MEHTA )  
VICE CHAIRMAN