

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI.

O.A.No.1008/91

(4)

Date of Decision: X 2 91

Shri Krishan Kumar & Others Applicants.

Shri A.K. Behra, Counsel for the Applicant.  
Vs.

Union of India & Another Respondents.

Shri M.L. Verma, Counsel for the Respondents.

CORAM:

Hon'ble Shri P.K. Kartha, Vice Chairman(J).

Hon'ble Shri B.N. Dhoundiyal, Member(A).

- (1) Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
- (2) To be referred to the Reporter or not? *Yes*

JUDGEMENT

(of the Bench delivered by  
Hon'ble Member Shri B.N. Dhoundiyal)

This application has been filed by S/Shri Krishan-Kumar, Rattan Singh and Naresh Gupta who are working as copy holders in the Government of India Press, Mayapuri against the action of the respondents inviting applications for preparation of fresh panel, when a panel prepared on 7.1.91, in which their names figured has not been fully exhausted.

2. Shri Krishan Kumar joined as copy holder in the Government of India Press, Mayapuri on 10.2.80, Rattan-Singh on 9.9.70 and Naresh Kumar on 19.2.80. The next promotional avenue for them is as Reader and the promotion to the said grade is governed by Government of India Presses (Non-Gazetted and Non-Ministerial post) Recruitment Rules, 1985. These promotions are to be made for 55% of the posts on the basis of qualifying examination according

*And*



to seniority and 45% posts by selection. On the basis of Departmental Readership Examination held on 29.7.90, all the applicants were declared qualified and their names were included in the panel of qualifying persons for promotion to the grade of Reader. For some time, promotions were held up due to an interim order passed by this Tribunal in OA.100/1991, directing the respondents not to make any regular appointments of Reader. However, later, it was clarified by this Tribunal that the respondents were not debarred from making appointment on probation, of the Readers who have qualified the examination. The applicants have contended that a panel lawfully prepared must be operated for atleast one year. They have prayed that <sup>by</sup> directions be issued to the respondents to first exhaust the earlier panel before taking any action to prepare a fresh panel and promote them to the grade of Reader in accordance with the panel already prepared.

3. M.P.No.1896/91 was filed by the applicants, challenging the circular dated 21.5.91 regarding holding of another Departmental Readership Examination for filling up the existing vacancies. An Interim Order was passed by the <sup>by</sup> ~~respondents~~ Tribunal on 30.4.91 to the effect that respondents shall not take any effective steps to fill up the remaining three vacancies of Readers in the Government of India Press, Mayapuri, New Delhi and this order has been extended thereafter till the case was finally heard on 1.8.91 and orders were reserved. <sup>by</sup> It was also clarified that in case the applicants appear in the subsequent examination conducted by the respondents, they may do so without prejudice to the rights and contentions in this O.A.

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4. Respondents have contended that it had been made clear in the circular dated 7.9.89 that Readership examination of 1990 was being held to fill up only four vacancies <sup>by</sup> being available upto 31.3.90. Hence, the panel was valid only to the extent of four posts. They have also mentioned that the question of filling up remaining three vacancies from the select list, was taken up with the Directorate of Printing, which did not approve this proposal on the ground that these vacancies were meant for the Readership examination for 1991. Hence, the new circular for holding a fresh examination for filling up these vacancies.

5. We have gone through the records of the case and heard the contentions of the learned counsel for both parties. The question whether the select list prepared on the basis of limited qualifying examination is valid only for a limited period of one year or it is valid till all the selected candidates are appointed in the existing or future vacancies, has already been considered by a Bench of this Tribunal of which one of us (Hon'ble Shri. P.K. Kartha) was a party, vide G. Viswanathan Vs. U.O.I. (1990(1) SLJ(CAT)401) in TA.No.K-231/87, O.A.No.1871/83, decided on 22.6.89. An Office Memorandum issued by the Department of Personnel and Administrative Reforms (No.22011/6/75-Est(D) dated 30.12.76) provides that the panel drawn up by DPC, would normally be valid for one year or in any case, it should cease to be in force on the expiry of one year and six months or when a fresh panel is prepared, whichever is earlier. A subsequent circular issued on 8.2.82, provides that "normally, recruitment whether from the open market or through a Departmental Competitive Examination should take place

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only when there are no candidates available from an earlier list of selected candidates. However, there is a likelihood of vacancies arising in future, in case, names of selected candidates are already available, there should either be no further recruitment till the available selected candidates are absorbed or the declared vacancies for the next examination should take into account the number of persons already on the list of selected candidates awaiting appointment. Thus, there would be no limit on the period of validity of the list of selected candidates prepared to the extent of declared vacancies, either by the method of direct recruitment or through a Departmental Competitive Examination. In Prem Prakash etc. Vs. Union of India and Others, AIR 1984 SC 1831, the Supreme Court has observed that "It is clear from the notification that if selected candidates are available from the previous list, there should either be no further recruitment until these candidates are absorbed or in the alternative vacancies which are absorbed for the subsequent years should take into account the number of persons who are already in the list of selected candidates who are still awaiting appointment." The aforesaid decision of the Supreme Court was followed in G.Viswanathan's case, mentioned above. We reiterate the same view.

5. In the light of the above, we are of the opinion that despite the fact that the circular issued by the respondents for 1990 vacancies mentioned only four vacancies, it cannot be held that the panel prepared on 7.1.91 became invalid only within a period of 4 or 5 months.

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The future vacancies should also be taken into account till the select panel may be exhausted.

6. In the facts and circumstances of the case, we allow the present application and direct the respondents not to take any further action in pursuance of the Circular No.A-43013/3/RRP/91-Estt.I/238 dated 21.5.91 for holding another examination for the post of Readership, till the existing panel is fully exhausted. Respondents are directed to comply with the above directions within a period of three months from the date of communication of this Order.

7. The parties will bear their own costs.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL) 10/10/91  
MEMBER (A)

*P.K. Kartha*  
(P.K. KARTHA) 10/10/91  
VICE CHAIRMAN (J)