

Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2608/2004

**Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.A. Singh, Member(A)**

New Delhi, this the 18th day of January, 2005

1. Shri Sundar Singh,
Grade III Stenographer, Sr.No.1190,
Government of NCT of Delhi,
New Delhi.
2. Shri Rakesh Kumar Savita,
Stenographer Grade-II (Hindi),
G-35/A, Rama Park Road,
Mohan Garden,
New Delhi-59
3. Shri Raja Ram Sharma,
Grade-II Stenographer,
O/o Medical Superintendent,
GTB Hospital,
Delhi

....Applicants

(By Advocate: Shri H.P. Chakravarti, proxy for Shri V.S.R. Krishna)

Versus

Govt. of NCT of Delhi, through:

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Sachivalaya, I.P. Estate,
New Delhi
2. The Secretary (Services),
Govt. of NCT of Delhi,
Delhi Sachivalaya, I.P. Estate,
New Delhi

....Respondents

Order(Oral)

Justice V.S. Aggarwal, Chairman

In terms of the statutory Recruitment Rules (Rule 6(II)(3)(b) of Delhi Administration Subordinate Services Rules, 1967 which had been framed under Article 309 of the Constitution, applicants contend that vacancies in DASS Grade-II have to be filled by promotion of officers of Grade III having 3 years regular service in the grade on basis of merit-cum-seniority. This has to be done on the recommendations of the Departmental Promotion Committee. Rule 6(II)(3)(c) of the said Rules further provides that notwithstanding anything contained in sub-rules (a) and (b), Stenographers in the scale of pay of Rs.330-560/- who have been appointed in a regular manner and have 3 years regular service in the grade shall be eligible for being considered for promotion to Grade-II.

2. On 27.2.2002, in the matter of Sharwan Kumar Walecha & anr. Vs. Govt. of NCT of Delhi & anr. (O.A.No.1195/2001), this Tribunal had directed to consider the applicants for promotion to the post of DASS.

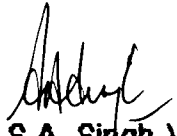
3. It is stated that the applicants had opted and represented that they should be considered for promotion to DASS-II.

4. The grievance of the applicants is that respondents issued the promotion order promoting them as Stenographer Grade-II and not to the post of DASS Grade-II. This, according to them, interferes in their rights because they have to be considered as per rules for DASS Grade-II.

LS Ag

X

5. In this regard when it is asserted that in the case of similarly situated persons such an order has already been passed in O.A.1195/2001, it would be appropriate that at this stage a direction without notice is issued to respondent no.1 to consider the claim of the applicants in accordance with law and pass an appropriate speaking order as to why their claim is not being adhered to. At this stage, we are not expressing ourselves on the merits of the matter. The decision in this regard preferably should be taken within three months and communicated to the applicants who may, at that stage, take recourse under the law.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

/dkm/