

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 291/1992

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New Delhi, this 14th day of August, 1996

Hon'ble Shri Justice A.P. Ravani, Chairman
Hon'ble Shri R.K. Ahooja, Member(A)

S/Shri

1. R.P. Singh
2. J.P. Hans
3. Ram Khalaria
4. Narain Singh
5. D.R. Kapila
6. Chotelal
7. D.N. Gupta
8. Ashok Kumar
9. Mohd. Mujeeb
10. V.K. Sharma
11. Ms. Prem
12. Mrs. Neeru Sinha
13. Mrs. Krishna
14. Varun Dave
15. O.P. Sharma

All working in the Department
of Social Welfare, Delhi

.. Applicants

(Shri V.S. R. Krishna, Advocate)

vs.

Union of India, through

1. Secretary
M/Social Home Affairs
North Block, New Delhi
2. The Chief Secretary
Delhi Admn., Delhi
3. Director-cum-Secretary
Social Welfare
Delhi Admn. Delhi
4. Secretary
UPSC, New Delhi

.. Respondents

(Shri V.K. Rao, Advocate)

ORDER(ORAL)

Hon'ble Shri R.K. Ahooja

The applicants are working in the Directorate of Social Welfare, Govt. of N.C.T. Delhi. The grievance of the applicants is that though they are performing similar duties, have supervisory experience and also possess high educational qualification, they are not being considered for inclusion in the Delhi Administration Subordinate Service (DASS) & Delhi

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and ~~Andaman~~ Nicobar Islands Civil Service (DANICS). It is also alleged that sufficient opportunities for promotion do not exist in the Social Welfare Department and furthermore the officers of DASS as well as DANICS are posted in the Dte. of Social Welfare which clearly shows that officers can be interchanged between Department of Social Welfare and other departments of Delhi Administration (now NCT of Delhi).

2. The respondents contest the case and state that there is a hierarchy of posts in the Dte. of Social Welfare in which there are Supervisors, Assistants Superintendents, Superintendents and Deputy Directors carrying different pay scales and thus the applicants have ^{their own} promotional avenues. They also state that there are six posts of Deputy Directors out of which only two posts of Deputy Director which are administrative in nature are manned by the officers of general cadre of DANICS.

3. The learned counsel for the applicants states that since promotional avenues are few in the Department, the posts in the Dte. of Social Welfare may be merged with that of the DASS & DANICS cadre more so because the applicants are also performing supervisory and administrative duties. He also submits that though the applicants have no right of consideration for merger, but atleast the representation submitted by the applicants should be considered by the respondents and a proper reply be given thereto.

4. We have considered the material on record and are of the considered view that the arguments advanced by the learned counsel for the applicants are devoid of any merit since establishment of different cadres is an exercise purely administrative and executive in nature and the courts cannot


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interfere in the same. The posts in Social Welfare Department are filled in on the basis of separate recruitment rules based on the work in that department and it cannot be said ^{that} posting of DASS and DAANIC Officers, who belong to a generalist cadre will foot the bill. In any case, this can only be assessed by the respondents. The learned counsel for the applicant further stated that applicants No. 14 & 15 who are Nutrition Inspectors, have since been transferred to the DASS cadre Gr.II. It appears that the Nutrition Inspectors were declared surplus and it was on account of re-deployment of surplus staff that they were taken in the DASS cadre Gr.II. Thus this submission of the learned counsel for the applicant does not help him. It is also stated by the applicants' counsel that the officers of DASS & DANICS ^{are} posted in the Directorate of Social Welfare and on this analogy it is stated that the applicants in the Directorate of Social Welfare can also be transferred and merged in the general administrative cadre. The posting of such officers in Social Welfare may ^{have} been made because of certain purely administrative posts or as a stop gap arrangement where temporary vacancies arise due to delay in selection according to recruitment rules. By itself it does not show that the posts can be filled de hors the Recruitment Rules.

5. In view of the facts and circumstances of the case, we do not find any merit in the O.A. Hence the same is rejected. No costs.


(R.K. Anooja)
Member (A)

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(A.P. Ravani)
Chairman

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