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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1746/93

New Delhi, dated the 2th March, 1994

Hon'ble Sh.N.V.Krishnan, Vice Chairman(A)

Hon'ble Sh.B.S. Hegde, Member(J)

Shri U.M. Shukla
working as Asstt. Director in MRTIP
and resident of V&PO Koriyan,
Distt.Kanpur, U.P.

..Applicant

(By Advocate Shri P.C.Shukla)

Versus

1. Secretary,
Ministry of Law, Justice & Company
Affairs, Deptt.of Company Affairs,
Shastri Bhawan, 6th Floor, A-wing
Dr.Rajendra Prasad Road, New Delhi
2. Secretary, U.P.S.C.
Dholpur House, Shahjahan Road,
New Delhi
3. Secretary,
Deptt.of Personnel & Training,
New Delhi

.. Respondents

(Sh.K.L.Mangtani, Deptt.Repre..)

ORDER(ORAL)

(Hon'ble Sh. N.V. Krishnan, Vice Chairman(A))

No reply has been filed by the respondents
though sufficient time had been given earlier.

2. We have heard the learned counsel for the
applicant. The applicant is aggrieved by the Director
General of Investigation and Registration(Deptt.of

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Company Affairs) Recruitment Rules, 1992 issued in the Notification dated 4.1.1993 (Ann.A) . More particularly he is aggrieved by the provision relating to the Recruitment Rules to the post of Dy. Director General of Investigation and Registration.

3. We have heard him. It is stated that in the beginning there were two different offices under the MRTP Commission- namely Registrar Restrictive Trade Agreements and Director of Investigation. Separate Recruitment Rules existed for the two wings. The applicant was Assistant Registrar General under the Registrar of Restricted Trade Agreement through direct recruitment.

4. Subsequently there was merger of these two offices w.e.f. 1.8.1984. After the merger, the impugned Ann.A. Rules have now been issued which is in supersession of all the earlier Rules. It is provided in the Ann.A. Rules that the two posts of Deputy Director General of Investigation and Registration, shall be filled up by promotion/transfer on deputation, failing by direct recruitment. The provision in Col.12 of the schedule is as follows:-

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" Transfer on deputation/promotion

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1. Officers of the Central/State Governments:-

- (a) (i) holding analogous posts on regular basis ; or
- (ii) with Five years' regular service in posts in the scale of Rs 2200-4000 or equivalent and
- (b) possessing the educational qualifications and experience prescribed for direct recruits under column 8.

(ii) Departmental Assistant Directors General of Investigation and Registration with five years regular service in the grade and possessing educational qualifications prescribed in column 8 shall also be considered alongwith outsiders. In case any of them is selected to the post, the same shall be deemed to have been filled by promotion.

The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation.

Similarly, deputationists shall not be eligible for consideration for appointment by promotion."

As against ^{the} earlier Rules, which have now been superseded- which were issued on 22.10.76 (Ann.A.1) it was provided that the post of Dy.Registrar shall be filled by promotion of Asstt.Registrar, failing ^{which} it will be filled by transfer on deputation.

5. ^{the} The grievance of the applicant is that the primary given to promotion, as the first method of recruitment in the old has been changed to his ^{dis} advantage ^{whereunder} under the new rules, transfer by deputation and by promotion will be considered simultaneously

6. We do not see how this provision can be challenged as it is ^a matter of policy. Merely because there might be a chance that a deputationist might be preferred to the promotion of the applicant, the provision of the Rules can not be challenged.

7. We, therefore, find that the applicant has not made out any prima facie case. Accordingly, OA is dismissed at the admission stage.

B.S. Hegde
(B.S. Hegde)

Member (J)

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N.V. Krishnan
2.3.84
(N.V. Krishnan)

Vice Chairman (A)