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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No.2142/93

New Delhi: this the 24th day of AUGUST, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. P. C. KANNAN, MEMBER (C)

S. C. Sharma,
S/O B. D. Sharma,
employed as Sub-Regional Employment
in the Coaching-cum-Guidance Centre
for SC/ST, Rehabari,

Guwahati,
under the Directorate General of
Employment & Training (DG E & T),
Ministry of Labour,
Govt. of India ..

... Applicant.

(By Advocate: Shri R. L. Dhawan)

Versus

Union of India,
represented by

1. Director General/Joint Secretary
to the
Govt. of India,
Director General of Employment & Training,
Ministry of Labour,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-0001.
2. Director of Employment Exchanges,
Directorate General of Employment & Training,
Ministry of Labour,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-1.
3. Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi -001.
4. Joint Secretary,
to the Govt. of India,
Dept. of Personnel & Training,
Ministry of Personnel,
Public Grievances & Pensions,
Central Secretariate,
New Delhi -001
5. Sub-Regional Employment Officer,
Coaching-cum-Guidance Centre for SC/ST,
Rehabari, old ITI,
Guwahati-781 008

..... Respondents. ✓

(By Advocate: Shri P.H. Ramchandani)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' Notification dated 1.5.87 in so far as it seeks to revise his seniority, cadre and locus standi. He seeks treatment on par with other SREOs of DGET(Hq) in all service matters, and further seeks a direction to respondents to give effect to their transfer policy dated 16.5.82.

2. By advertisement dated 22.3.80 (Annexure-A9) UPSC invited applications for 4 posts of SREOs in response to which applicant submitted his application. The information supplied by UPSC to candidate (Annexure-II to respondents' reply) including the list of duties attached to the post, which clearly specified that it would involve supervision and administration of the Centre and its activities; to have liaison and contacts with various employers, organisations; and to check and follow up placements of SC/ST candidates in Central/State/quasi Govt. Establishments and training institutions. Upon being selected by UPSC, applicant was offered appointment to the post of SREO, C G C for SC/ST, Jaipur vide O.M. dated 8.10.80 (Annexure-III). Applicant accepted the offer on 8.10.80 itself (Annexure-IV) and joined duty at Jaipur, and as per his own representation dated 15.6.90, he, Shri K.K. Sinha and Shri H.L. Dutta, all 3 of whom were directly recruited, continued to be posted in the C GC set up all along.

3. From respondents' O.M. dated 17.1.85 (Annexure-A8) it is also clear that a seniority list

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of SREOs/OSD at DGET Hq. and in CGC for SC/ST as on 9.1.85 was issued for information of all concerned. From this OM, it is clear that while the seniority list was no doubt one, the DGET Hq. and the Coaching-cum-Guidance Centres were treated separately.

4. Undeniably Govt. has the right to frame, amend and/or relax recruitment rules and in this connection, certain guidelines have been framed in this regard (Annexure-I). By impugned Notification dated 1.5.87 respondents notified the RRs for the post of SREO and AEO in various CGCs under DGET. A note below Column 11 in the schedule to the RRs provides that existing holder of the post of SREO shall be deemed to have been appointed to the posts at the initial constitution. The rules were notified under Article 309 of the Constitution.

5. Respondents have pointed out that although these rules were notified on 1.5.87 applicant did not represent against the same till 15.6.90 (Annexure-A11) that is much after the creation of a separate cadre of CGCs for SC/ST and the fact that he knew of the creation of the separate cadre is clear from the fact that he applied for the post of SREO (Hq) on deputation basis against vacancy circular dated 2.12.88 (Annexure-RV).

6. There is no denial to these averments in rejoinder.

7. Applicant's prayer that SREOs in CGC be treated on par with SREOs in DGET(Hq) also fails for the reason that as per his own representation dated

15.6.90 the qualification for direct recruit SREOs in DGET (HQ) and direct recruit SREOs in CGCs are clearly not the same in regard to essential experience qualifications as also desirable qualification.

8. Under the circumstance, applicant has failed to make out a case to warrant judicial interference in this OA which is dismissed. No costs.

P.Kannan
(P.C.KANNAN)
MEMBER(J)

S.R.Adige
(S.R.ADIGE)
VICE CHAIRMAN(A).

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