

Central Administrative Tribunal
Principal Bench

O.A.No.922/93

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 4th day of August, 1999

In the matter of:-

1. N.G.N. Unni
S/o Late Shri K.K. Neelkantan
Aged about 46 years
R/o Qr. No.249, Sector 7
Pushpavihar, New Delhi 110 017
2. Thomas Varghese
S/o Late Shri K.M. Thomas
Aged about 47 years
R/o 14/10, Sector 1
Pushpavihar, New Delhi 110 017
3. P.A. Shivaji
S/o Late Shri T.P.S. Nambiar
Aged about 47 years
R/o Qr. No.1168, Sector 7
Pushpavihar, New Delhi 110 017
4. G. Vijayan Pillai
S/o Shri K.R.G. Pillai
Aged about 47 years
R/o Qr.No.1015, Sector 7
Pushpavihar, New Delhi 110 017
5. K.N. Pande
S/o Late Shir G.D. Pande
Aged about 54 years
R/o 352, Aliganj
Lodhi Road, New Delhi 110 003

All employed as Assistants in the
Aviation Research Centre, Directorate General
of Security, Government of India
East Block-V, R.K. Puram,
New Delhi 110 066

....Applicants

(By Advocate: Shri B.B.Raval)
Versus

1. Union of India
Through the Cabinet Secretary
Government of India
Rashtrapati Bhavan, New Delhi 110 001
2. The Director General of Security
Directorate General of Security
Government of India
East Block-V, R.K. Puram
New Delhi 110 066
3. The Joint Director(P&C)
Directorate General of Security
Government of India

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East Block V, R.K. Puram
New Delhi 110 066Respondents
(By Advocate: Shri Harvir Singh, Proxy of
Mrs. Pratima K. Gupta)

O R D E R

[Hon'ble Shri R.K. Ahooja, Member(A)]

The applicants are Assistants from the Directorate General(Security) Secretariat Service which was constituted on 4th November, 1975. As per Recruitment Rules framed in 1975 and later amended in May, 1983, the posts of Section Officer in the service are to be filled up by promotion and by Limited Departmental Examination in the ratio of 60:40. Both Assistants as well as Stenographers Grade I & II are eligible for the post of Section Officer by promotion as well as through Limited Departmental Examination. The grievance of the applicants who are Assistants is that there an imbalance in this arrangement inasmuch as by flux of time the Stenographers have vastly greater scope of promotion at the expense of the Assistants. Their related grievance is that disciplinary action had been taken against some of the Assistants who had made representations against the undue advantage given to the Stenographers as well as regarding allegations of mal-practices in the conduct Of Limited Departmental Examination which resulted in preferential treatment for the Stenographers. They have, therefore, come before the Tribunal seeking a direction that all the memos issued to the Assistants be quashed and that the respondents be directed to amend the recruitment rules so as to exclude the Stenographers for consideration for the post of Section Officer.

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2. It has been vehemently contended before us by Shri Raval, learned counsel for the applicants, that there has been a change in the prospects of promotion of Stenographers from 1975. It is stated that for 79 Grade II Stenographers, there are now 55 posts of Sr. P.A./Private Secretary and in addition they are entitled to be considered for 46 posts of Section Officer. In 1975 there were 39 Stenographers Grade-II, who had for promotion 3 posts of Stenographer Gr.I, now redesignated as Private Secretary, and 14 posts of Section Officer. On the other hand, in 1975 there were 84 Assistants competing for 14 posts of Section Officer while there are now 188 Assistants competing for 46 posts of Section Officer. It has also been pointed out that the pay scales of Sr. P.A./ Private Secretary are the same as that of Section Officer and thus presently 79 Stenographers Gr.II have 55 + 46 posts of Sr. P.A. and Section Officer respectively to look forward to while 188 Assistants can compete for only 46 posts of Section Officers. In consequence, Shri Raval submitted that presently Assistants with more than 20 years of service are still waiting for their promotion while Stenographers Gr.II could look forward to their next promotion in 10 years time. It was also submitted before us that the Stenographers, due to their close proximity to senior officers, have been able to manipulate the Limited Departmental Examination with the result that almost always only the Stenographers get selected. When representations were made by the Assistants on these allegations, the Stenographers managed to get warning memos issued to the representations.

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3. As the respondents have explained, there has been a change in the prospects of Stenographers Gr.II on account of increase in the number of posts of Stenographer Gr.I/Private Secretary from 3 to 55. They submit that this has happened as a overall policy decision taken by the Government in all departments to attach Stenographers of certain grade with senior officers. Therefore, this position is not peculiar to the Directorate General of Security. They also say that the position of Assistants has not deteriorated as alleged, as their number in 1975 was 123 which has now increased to 188. On the other hand, realising the increasing stagnation 'amongst the Assistants, the respondents took action to eliminate 10 per cent direct recruitment provided in 1975 rules and added the same to the promotion quota. Recently, action was also taken, as a one time measure, to divert some of the posts in the Limited Departmental Examination quota to the promotion quota.

4. Having carefully considered the above submissions we are of the view that no interference is called for by us. The policy of providing promotional avenues to Stenographers in the rank of Section Officer is not confined to the Directorate General of Security but is part of the overall staffing policy of the Government. The increase in the posts of Stenographer Gr.I/Sr. P.A. has certainly improved the prospects of Stenographers Gr.II. However, a variation over time in promotion prospects is a common hazard of any service. Changes in age profile of members, creation or abolition of posts,

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Opportunities for deputation, etc. can change promotion prospects of new entrants from time to time. A cadre or a service which has more attractive prospects today may tomorrow, due to congestion or heavy inductions ~~may~~ become slow moving in terms of promotions. Therefore, an improvement in the prospects of Stenographers at this particular point cannot by itself be a basis for amending the recruitment rules. More significantly, however, it would appear that due to their relative seniority almost all posts of Section Officers in the promotion quota are coming to the share of Assistants. This is because there are Assistants available with 20 years service while Stenographers with 10 years service have already become Sr. PAs and Private Secretaries. The crux of the problem lies in the Limited Departmental Examination. It is here that the Stenographers are scoring over Assistants. According to the applicants it is because of mal-practices while the respondents would claim that the selections are on merit. The allegations of malpractices are a matter to be looked into by the respondents. Merely because the Assistants are not getting their share through this mode of recruitment, it cannot be claimed that the method should be given up. There are advantages in having recruitment through Limited Departmental Examinations since it provides an inducement for promotions on merit. Since the Stenographers have no greater chances than the Assistants in a Limited Departmental Examination, it is difficult to find any discrimination against the Assistants.

5. In so far as the warning memos to the Assistants are concerned, we do not find any ground for

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interference since the applicants had an opportunity to represent their cases before the authorities.

6. In the result the O.A. is dismissed. There will be no order as to costs.


(R.K. AHOOGA)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN (J)

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