

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 29th day of August, 2001.

Original Application No. 1308 of 1996.

CURAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiuddin, J.M.

Urbadutt Kandpal S/o Late Shri  
Tula Ram Kandpal  
R/o 84/74-A, G.T. Road, near Gunjan Talkies,  
Post Office Anwarganj, Kanpur.

(Sri R. P. Tewari, Advocate)

..... Applicant

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Food, Krishi Bhawan, New Delhi.
2. National Sugar Institute, Government of India, Ministry of Food, Kalyanpur, Kanpur, Through the Director.
3. The Administrative/Chief Finance Officer, National Sugar Institute, Government of India, Ministry of Food, Kalyanpur, Kanpur.
4. Shri A.K. Agnihotri, Senior Personal Assistant, National Sugar Institute, Government of India, Kalyanpur, Kanpur.

(Sri Ashok Mohiley, Advocate)

..... Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed under Section 19 of the Administrative Tribunal Act, 1985 for a direction to the respondents to set aside the promotion of respondent no.4 as Senior Personal Assistant dated 16-7-1996 as it has been made in contravention of Recruitment Rules and ad hoc promotion continued from time to time and direct the respondents to promote the applicant as Stenographer Grade III, ~~Grade IV~~ and as Senior Personal Assistant Group 'B' (Senior) after promotion as Steno Grade II.

2. The applicant has claimed that he was appointed as

Typist-Cum-Clerk in 1962. The Ministry of Home Affairs, by OM dated 2-9-1965 provided for training of English Stenographers/Steno-Typists in Hindi Stenography. By letter dated 12-3-1970 of Ministry of Home Affairs various Ministries and Departments of Government of India required the staff trained in Hindi Stenography to do day to day office work so that training imparted to them is not wasted. It was also mentioned in the same Office Memo that the Ministries/Departments of Govt of India should ensure that only such L.D. Clerks/Typists are sent for training in Hindi Stenography who can after the training be appointed as Stenographers. The applicant was nominated for training of Stenographer and passed examination after training in August, 1979. He claims that he was continuously working as Stenographer. It is claimed that the Central Government took the decision and discontinued system of granting special pay to the L.D.C./U.D.C. for stenographic work and decided to convert the posts in which special pay was being given to the post of Stenographer in the pay scale of Rs.130-280. The applicant claims that he was entitled to be selected as Stenographer Grade III in the pay scale of Rs.130-5-300 on the authority of the said order since his Institute was included in the area falling in Category 'A'. The number of posts of Hindi Stenographers were constantly on the rise and yet he was not given appointment on the post of Stenographer Grade III although his juniors Sri AK Agnihotria and Sri Sadhu Singh have been given the benefit of induction as Stenographer.

3. We have heard arguments of Sri R.P. Tewari, counsel for the applicant and Sri Ashok Mohiley, counsel for the respondents.

4. The contention of the applicant that the promotion of respondent no.4 was made in contravention of the Recruitment Rules and that the applicant should instead be promoted as Stenographer Grade III as per orders of Home Ministry dated 12-3-1970 and thereafter promoted as Stenographer Grade II after three years and as Senior Personal Assistant after seven years as Stenographer Grade II, it is clear from the relief that the applicant is seeking multi-level promotion belatedly. The facts show that the applicant has not been inducted as Stenographer Grade III. The mode of recruitment to the post of Stenographer Grade III was by transfer on deputation, failing which by direct recruitment. There was no mode

of promotion to the post of Stenographer Grade III in the Institute. The applicant has erroneously sought the benefit of Home Ministry Memo dated 12-3-1970. The Memo only required the Ministries/Departments to ensure that only such LDCs/Typists are sent for training in Hindi Stenography who could be appointed as Stenographers in the scale of Rs.130-5-280 or Rs.130-5-3000. The applicant cannot claim to belong to these categories, nor is there any provision in the Recruitment Rules for the post of Stenographer Grade III for appointment of Stenographers directly on the post of Stenographer Grade III after their training. The applicant cannot be allowed the relief contrary to the provisions of Recruitment Rules.

5. Learned counsel for the respondents has drawn attention to Annexure-CA-6. The CA in Civ Misc. Amendment Application No.1742/1997 show that the applicant was informed that he was not entitled to transfer on deputation/transfer/promotion to the post of Stenographer Grade II but his appointment to the post of Stenographer III on the basis of deputation/transfer can be considered and as such the consent of the applicant be sent by 31-10-1991. This consent is stated to have not been given by the applicant. The respondents in their counter affidavit have also mentioned that the vacancy circulars were issued to all concerned for intimation to the persons to send their willingness to appear for the post of Stenographer Grade III. Sri A.K. Agnihotri and Sri Sadhu Singh applied against the advertisement for deputation/transfer posts. Their interview conducted by a properly constituted Board and they were found suitable for Stenographer Grade III and appointed on deputation/transfer basis. Since the applicant did not apply, his case could not be considered. We find from the representation of the applicant annexed as Annexures-14, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J and 14K that the applicant has sought appointment on the post of Hindi Stenographer directly without any other formalities by means of promotion or transfer merely on the ground that his juniors have been absorbed as Stenographers. Thereafter he has sought promotion to Stenographer Grade II on the ground that his juniors have been promoted. The applicant not having followed the procedure by applying against the advertisement for filling up vacancies of Stenographer Grade II cannot at a later stage claim that he should be

declared to have been inducted as Stenographer in the year 1987 and granted promotion as Stenographer Grade III. The application, therefore, lacks in merit and has to be dismissed and is dismissed accordingly with no order as to costs.

*Ram Mohan Dube*  
Member (J) Member (A)

Dube/