

**Central Administrative Tribunal
Principal Bench, New Delhi**



**O.A. No. 798/2020
M.A. No. 1635/2020
M.A. No. 1029/2020**

with

**O.A. No. 1865/2019
M.A. No. 2711/2019**

This the 10th day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

O.A. No. 798/2020

1. Vinod Sharma,
S/o Lt. Sh. Shyam Sunder
R/o AF – 2, Shiva Enclave, A4
Paschim Vihar, New Delhi – 110063
Aged about 56 years (Group 'B')
(Under Secretary – UGC)
2. Anita Gogna
W/o Sh. Satish Kumar
R/o A-37, Guru Nanak Pura,
Laxmi Nagar, Delhi – 92
Aged about 59 years (Group 'B')
(Under Secretary – UGC)
3. Ushy Arya
W/o Manoj Arya
R/o D-55, Ajay Enclave,
Subhash Nagar, New Delhi – 110027
Aged about 59 years (Group 'B')
(Under Secretary – UGC)
4. Renu Bala Sharma
W/o Sh. Vinod Sharma,
R/o AF-2, Shiva Enclave, A4,
Paschim Vihar, New Delhi- 110064.
Aged about 55 years (Group 'B')
(Under Secretary – UGC)



5. Tirath Ram
S/o Sh. Harbhajan Ram
R/o AE-39, Shalimar Bagh,
Delhi – 110058
Aged about 59 years (Group 'B')
(Under Secretary – UGC)
6. RAS Shah,
S/o Sh. Ishwave Prashad
R/o B-123, Prashant Vihar,
Delhi – 110085
Aged about 58 years (Group 'B')
(Under Secretary – UGC)
7. Shanti Toppo
W/o Sh. Sylbanus Toppo
R/o House No. 46 F-6, Aya Nagar,
New Delhi – 110047
Aged about 56 years (Group 'B')
(Under Secretary – UGC)
8. Chander Kanta Bhalla,
S/o Sh. Sunil Bhalla,
R/o Shiv Shakti CGHS Ltd.,
Flat No. 8B, Sec-10, Plot-10,
Dwarka, New Delhi.
Aged about 56 years (Group 'B')
(Under Secretary – UGC)
9. Trilok Singh,
S/o Lt. Sh. Bhagi Ram,
R/o F-112B, Pratap Vihar,
Ghaziabad
Aged about 58 years (Group 'B')
(Under Secretary – UGC)
10. Swarn Lata,
W/o Sh. Rajbir Singh,
R/o D-428/A, West Vinod Nagar, Delhi – 92
Aged about 58 years (Group 'B')
(Under Secretary – UGC)
11. Kundla Mahajan
W/o Sh. Ashok Mahajan
R/o 882/8, R.K. Puram, New Delhi – 110022
Aged about 58 years (Group 'B')
(Under Secretary – UGC)



12. Suresh Rani,
W/o Sh. Anil Kumar,
R/o Flat No. 7, Sec-1, Pkt-1,
Dwarka, Delhi – 110075
Aged about 57 years (Group 'B')
(Under Secretary – UGC)
13. M.K. Meena,
S/o Sh. Shiv Lal Meena,
R/o 81-K, CPWD Complex,
Vasant Vihar, New Delhi – 110057
Aged about 54 years (Group 'B')
(Under Secretary – UGC)
14. P.N. Gupta,
S/o Lt. Sh. R.M. Gupta,
R/o H. No. 54, Balbir Nagar,
Extn., Shahdara, Delhi – 32
Aged about 56 years (Group 'B')
(Under Secretary – UGC)

...Applicants

(By Advocate : Shri Ajesh Luthra)

VERSUS

1. University Grants Commission,
Through its Chairman,
Bahadur Shah Zafar Marg,
New Delhi – 110002
2. Union of India
Through its Secretary,
Ministry of Human Resources Development,
Shashtri Bhawan, New Delhi – 110001
3. Ms. Monika,
D/o Not Known,
R/o Not Known
4. Dr. Shalini,
D/o Not Known,
R/o Not Known
5. Mr. Vinod Singh Yadav,
D/o Not Known,
R/o Not Known



6. Mr. Jitendra
S/o Not Known,
R/o Not Known
7. Mrs. Megha Kaushik
W/o Not Known,
R/o Not Known
8. Ms. Pooja Bhoumik
D/o Not Known,
R/o Not Known
9. Ms. Smita Bidani,
D/o Not Known,
R/o Not Known
10. Mr. Mriganka Sekhar Sarma
S/o Not Known,
R/o Not Known
11. Dr. Prashant Dwivedi
S/o Not Known,
R/o Not Known
12. Dr. Salil S.
S/o Not Known,
R/o Not Known
13. Mrs. Neethu S. Thulasedharan,
W/o Not Known,
R/o Not Known
14. Dr. Nikhil Kumar,
S/o Not Known,
R/o Not Known
15. Mr. Kishor Kumar
S/o Not Known,
R/o Not Known
16. Dr. Amit Kumar Verma,
S/o Not Known,
R/o Not Known
17. Mrs. Vamsika C.
W/o Not Known,
R/o Not Known



18. Mr. Ajay Kumar
S/o Not Known,
R/o Not Known,
19. Dr. Naresh Pal Meena
S/o Not Known,
R/o Not Known

(Respondents no. 3 to 19 to be served through respondent No. 1)

...Respondents

(By Advocates: Shri Balendu Shekhar, Shri Gyanendra Singh, Shri Manoj R. Sinha)

O.A. No. 1865/2019

Dr. Prashant Dwivedi,
Presently posted as Education Officer at UGC-CRO, Bhopal,
S/o Shri S. R. Dwivedi
Aged-34 years
At present R/o D-11, Orchard Residency B-Block
Palace Orchard, Kolar Road,
Bhopal (M.P.) – 462042

...Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. University Grants Commission,
Through its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110002.
2. Secretary, Ministry of Human Resources Development,
Government of India, Shashtri Bhawan,
New Delhi – 110001.

...Respondents

(By Advocates: Shri Manoj R. Sinha)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicants joined the service of the University Grants Commission (UGC) in various positions such as LDC, Stenographer at different points of time. Over the period, they acquired promotions to different posts and as of now, they are holding the post of Under Secretary (US). Private Respondents 3 to 19 were appointed as Education Officers (EO) by way of direct recruitment.

2. The next promotion for the applicants as well as the private respondents is to the post of Deputy Secretary (DS). According to the relevant Rules, which are in force, the appointment to the post of DS is 75% by way of promotion and 25% by direct recruitment. The eligibility for promotion to the post of DS is stipulated as five years of continuous regular service as US. In column 11, it is further mentioned that the inter se seniority of the EO/US for promotion quota shall be reckoned on the basis of the continuous regular service in the respective grade.

3. The applicants contend that on account of the fact that the EOs are appointed en bloc at different points of time, it is so happening that they are not getting the opportunity of being promoted to the post of US and the qualified seniors are



left out. In this background, they filed this OA with a prayer to quash and set aside column no. 11 of the Recruitment Rules for the post of DS and to direct the respondents to amend the Rules, stipulating a separate percentage to each of the feeder cadre/grade, namely, US and EO. Other ancillary reliefs are also prayed.

4. The applicants contend that grouping of US and EO, without indicating any promotion is leading to serious hardship to them and such an approach would be violative of Article 14 and 16 of the Constitution of India. Various other contentions are also urged.

5. On behalf of respondents, separate counter affidavits are filed. They contend that the Recruitment Rules are in force, for the posts for the past several decades. It is also stated that for an US, promotion to the post of DS would be 4th or 5th forward step in their career, whereas for EO, it is only the first promotion. It is also their case that there were occasions where the posts of DS were en bloc occupied by the US, to the detriment of the EOs and the applicants cannot complain at that stage.

6. We heard Sh. Ajesh Luthra, learned counsel for the applicants in OA No. 798/2020 and Sh. A.K. Behera, learned counsel for the applicants in OA No. 1865/2019, Sh. Balendu Shekhar and Sh. Gyanendra Singh, learned counsel for the

respondents in OA No. 798/2020 and Sh. Manoj R. Sinha, learned counsel for the respondents in both the OAs.



7. The applicants are holding the post of US whereas the respondent nos. 3-12 are appointed as EOs. For both the categories, next promotion is to the post of DS. Column 10 and 11 of the Recruitment Rules read as under:

“4. Deputy Secretary

(10) 75% by promotion and 25 % by direct recruitment

(11) Promotion : Under Secretary or Education Officer with 5 years continuous regular service in the grade. The inter se seniority of the Education Officer/Under Secretary for promotion quota shall be reckoned on the basis of continuous regular service in the respective grade.”

8. From this, it is evident that the US on the one hand and the EO on the other, with five years of continuous regular service are made eligible for promotion. Since they are from different channels, their inter se seniority is to be reckoned on the basis of the continuous regular service in the respective grade.

9. It is not uncommon that for promotion to a particular post, there exist more feeder categories than one. In many cases, either a common seniority list with due interpolation is prepared or percentages are allocated for the respective feeder categories. That would enable an objective and equitable distribution of the posts. Fixation of the ratio would depend



upon the cadre strength of the respective posts. For one reason or the other, the respondents did not feel it necessary to stipulate any percentage as between the US and EO, in the context of promotion to the post of DS. The complaints may not have come on earlier occasions from one category or the other, or even if the complaints are made, they may not have been so vociferous. There is some force in what the applicants contend.

10. At the given point of time, one group or category may be promoted en bloc, depending upon the dates of appointment/promotion. It can be favourable to the US on some occasions, and to the EOs on other occasions. Further, in case of appointments to feeder category, be it US or EO, are to quite large number at a given point of time, the other category would be virtually stripped of the opportunity of being promoted till the officers so appointed are exhausted, for promotion. It is felt that the organization can bestow its attention on this issue and consider the feasibility of fixing the ratio between the US on the one hand and EO on the other hand for promotion. We do not propose to express any final view in this behalf. Decision need to be taken as to whether there must be any proportion at all and if so, the percentage, thereof, depending upon the strength of each of the cadres.



11. We, therefore, dispose of the OA directing the UGC to address the issue pertaining to the distribution of vacancies among the Under Secretary on the one hand and Education Officer on the other hand, for promotion to the post of Deputy Secretary, within a period of two months from the date of receipt of a copy of this order. They shall also invite objections or suggestions from the respective groups before taking the final decision.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (J)

(Justice L. Narasimha Reddy)
Chairman

/pj/ns/akshaya/sd