

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A.No.399/2006**

Dated the 15th day of January, 2008.

**CORAM: HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE SMT. O.P.SOSAMMA, ADMINISTRATIVE MEMBER**

- 1 **V.P.Nithanandan**
Assistant, Central Plantation
Crops Research Institute,
Kasaragod residing at
Quarters No.Type III/2, Hill Block
Campus, CPCRI, Kasaragod.
- 2 **K.V.Kunhikannan,**
Assistant, Central Plantation
Crops Research Institute,
Kasaragod residing at
Devi House, Balli Mogard,
Eriyal P.O., Kudiu, Kasaragod. ... Applicants

By Advocate Mr.T.C.G.Swamy (absent)

V/s.

- 1 **The Director,**
Central Plantation Crops
Research Institute,
Kasaragod.
- 2 **The Under Secretary (A)**
Indian Council of Agricultural
Research, Krishi Bhavan,
New Delhi.
- 3 **The Director General,**
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.
- 4 **The Indian Council of Agricultural**
Research, Krishi Bhavan,
New Delhi Through its
Secretary. ... Respondents

By Advocate Mr.T.P.Sajan

The application having been heard on 15.1.2008 the Tribunal on the same day delivered the following :

(ORDER)

Hon'ble Shri George Paracken, Judicial Member

On the requests of the applicants' counsel, this case was being adjourned time and again. In fact, 15 such adjournments have been availed of and the last opportunity was granted to the applicants' counsel in February, 2007 to argue the matter and get the case disposed of. Today, again when the case was taken for hearing, neither the applicant nor his counsel is present.

In view of the above situation, the OA is dismissed in default. There shall be no order as to costs.



O.P.SOSAMMA
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No. 399 / 2006

Wednesday, this the 27th day of February, 2008.

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE DR K.S.SUGATHAN, ADMINISTRATIVE MEMBER

1. V.P.Nithianadan,
Assistant,
Central Plantation Crops Research Institute,
Kasaragod.
2. K.V.Kunhikannan,
Assistant,
Central Plantation Crops Research Institute,
Kasaragod.Applicants

(By Advocate Mr TC Govindaswamy.)

1. The Director,
Central Plantation Crops Research Institute,
Kasaragod.
2. The Under Secretary (A),
Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi.
3. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi.
4. The Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi through
its Secretary.Respondents

(By Advocate Mr TP Sajan.)

This application having been finally heard on 11.2.2008, the Tribunal on 27.2.2008 delivered the following:

ORDER**HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**


The applicants have been working as Assistants in the office of the 1st respondent, viz, the Director, Central Plantation Crops Research Institute, Kasaragod. They are eligible to be considered for promotion to the post of Assistant Administrative Officers in the Institute. They are aggrieved by the Annexure A-1 office order of 2nd respondent dated 25.4.2006 by which the two posts of Assistant Administrative Officers under its control have been redeployed in the office of the NRC, Pune and NRC Seed Spices, Ajmer respectively with effect from 1.6.2006 and 1.7.2006 respectively. The contention of the applicants is that the aforesaid impugned orders have been issued in an arbitrary and discriminatory manner in violation of the provisions contained in Articles 14 and 16 of the Constitution. They have specifically submitted that the respondents have not followed the prescribed procedure in re-deploying the 2 posts of AAOs as they have not conducted any study by the Staff Inspection Unit to determine the surplusage. They have also submitted that in terms of Annexure A-5 office order dated 31.3.2005 issued by the ICAR, the redeployment of posts from one Institute to another can be done only by the DG, ICAR with the concurrence of the Financial Advisor.

2. Respondents in the reply have refuted the contentions of the applicants. They have submitted that, originally, there were three posts of AAOs and six posts of Superintendents under the Institute. The posts of Superintendents were later upgraded as AAOs as the former posts were declared as dying cadre under ICAR resulting in increased number of AAOs from three to nine. At CPCRI Headquarters alone, there were 5 posts of AAO and at Regional Stations two each. The above posts were considered as surplus compared to the fixed ratio of scientific, technical, administrative and supporting staff of 1:1, 5:0, 75:2 and



accordingly directed to reduce the surplusage by way of redeployment. They have also submitted that Annexure A-5 order dated 31.3.2005 has since been superseded by Annexure R-6 order dated 19.7.2005 by which the decision to redeploy posts from one Institute to another Institute would be taken at the level of DG, ICAR and decision redeploying staff within the Institute can be taken by the Director of the Institute concerned.

3. We have heard Shri TC Govindaswamy, Counsel for applicant and Shri T.P.Sajan for respondents. First of all, it is well settled that no one has a vested right to promotion as held by the Apex Court in **S.S.Bola v. B.D.Sardana** [AIR 1997 SC 3127]. It is also well settled that no employee has a right or vested right to chances of promotion. Chances of promotion is also not a condition of service [**Chandra Gupta v. Secretary, Ministry of Environment and Forests** (AIR 1995 SC 44) ; **Union of India v. N.Y.Apte** (AIR 1998 SC 2651)] Secondly, the redeployment of staff in different Institutes depends upon the staff ratio and it is the prerogative of the respondents to make appropriate redeployment for the optimum utilisation of man power. The applicants' promotional chances cannot be the guiding principle for respondents to redeploy the surplus posts of AAOs under its Institutions. We, therefore, do not find any merit in the present O.A., and therefore, it is dismissed. There shall be no order as to costs.


DR K.S.SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER