

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
(LUCKNOW CIRCUIT BENCH)

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Registration O. A. No. 133 of 1990(L)

Sugan Prakash. A. Applicant
vs.

Union of India & Ors. Respondents.

Hon'ble Mr D.K. Agrawal, J.M.
Hon'ble Mr K. Obayya, A.M.

(By Hon'ble K. Obayya, A.M.)

This application under Section '19' of the Administrative Tribunals Act, 1985 has been filed for a direction to respondents to provide a channel of promotion to the post of Deputy Director General (Personnel) in the Administrative Stream of Geological Survey of India and to consider the case of the applicant for promotion to the said post in case, he is considered suitable.

2. The relevant facts of the case are that the applicant entered service in the Geological Survey of India (G.S.I.) as a Regional Administrative Officer (R.A.O.) in 1977 as a direct recruit on selection by U.P.S.C. The next higher post was that of Director of Administration, which was initially filled up by deputation, but later converted as a promotion post from the feeder category of RAOs. Based on the recommendation of the Review Committee, the post of Deputy Director General (Personnel) (D.D.G.(P)) was created on a fixed pay of Rs.2750/-, and according to the applicant, this has become the top post to oversee the administrative stream.

3. It is contended by the applicant that after the Fourth-Pay-Commission, the pay-scales of R.A.O. & Director (Admin.) were equated, and the post of Director(Admin.) no more remained as a Promotion Post, and the only higher post available is that of Deputy Director/^{General}(Personnel) which is being filled up by deputation and the channel of promotion

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should be provided to the Administrative Stream, to be promoted to this post. The further contention of the applicant is that the posts of D.D.G. are Promotion Posts in all the other streams, and the denial of promotion avenue to the Administrative Stream amounts to discrimination, and this goes counter to the recommendation of the Fourth-Pay-Commission according to which, there should be at least one promotion after 15 years of service in a regular post.

4. The respondents have filed a counter contesting the case; in which it is stated that the work in the G.S.I. is organised broadly in three streams, namely Scientific Stream, Technical Stream & Administrative Stream and that there are 8 divisions/wings under Scientific Stream, 5 divisions/wings under Technical Stream, and 4 divisions/wings under Administrative Stream. The posts of D.D.G. are sanctioned in 3 divisions under Scientific Stream, namely Geology, Geophysics (Exploration) and Geophysics (Insttn.) and 1 division/wing in Engineering under Technical Stream, and 2 divisions/wings under Administrative Stream, namely Personnel & Finance. It is also stated that the post of Director (Administration) is the highest post in the Administrative Stream, and this post is vested with certain statutory powers, which are not vested with R.A.Os. It is also stated that the recruitment in the Financial & Administrative Streams is not upto 50% and as such they are not eligible for Selection grade. The Technical Stream of G.S.I. has been classified as 'G.S.I. Gr-A' service while Financial & Administrative Streams have been classified as 'Gr-A', 'Gr-B' services.

5. In the rejoinder, the stand taken in the application is reiterated. It is also admitted that the posts of D.D.G. are sanctioned only in certain divisions, and other divisions have been left out as their cadres are too small. It is also stated that there is no bifurcation of Personnel and Administrative cadres in the G.S.I., and that the post of

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D.D.G.(P) is the highest post in the Administrative Stream and not the Director of Administration.

6. We have heard the learned counsel for the parties. We have also gone through the report of the G.S.I. Review Committee, Vol. I dated 18.12.87 placed before us by the learned counsel for the applicant. The Review Committee was set-up by Government of India to study the present structure ~~and~~ organisation, and suggest measures for rationalisation ~~and~~ improvement in its working. The report is comprehensive and covers all facets of work of G.S.I. The terms of reference of the committee among others included identifying problems of personnel management and to suggest measures for its improvement including perspective manpower planning and appropriate recruitment, promotion and posting policies etc. Para 3.17 (p.41) of this report deals with Personnel Management and Recommendation 51 is to the effect that G.S.I. must build up a Modern Personnel Management Organisation with primary functions of Planning, Development & Management of Human Resources. The committee considered that G.S.I. "required a professional man" at a very high level, who would have to interact with the senior level officials of G.S.I. and to build up a system with the help of both experts, ~~and~~ consultants from outside as well as with persons available within, and recommended creation of a post of Sr. D.D.G.(P) on a fixed pay of Rs.2,750/- Recommendation 53 suggested creation of post of three Directors- (1) Director of Personnel A & B (2) Director of Personnel C & D and (3) Director of Administration. The work of distribution is that the Director of Personnel would be in-charge of recruitment, promotion, transfers, posting, cadre planning, training etc. while the Director of Administration would be in-charge of Estate Management and House Keeping, Administration etc. The suggested organisational structure (Annexure-9) to this report indicates that under Sr. D.D.G.(P), divisions are

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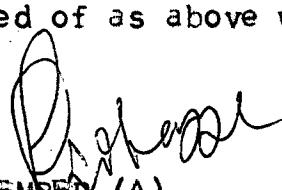
Career Development, Recruitment, Training & Development, Welfare, Establishment, Administration, Estate & House Keeping in coming up with these recommendations, the committee evidently had futuristic outlook and clearly distinguished the functions of Personnel Department from that of Administration and suggested creation of three Directors posts to look after Personnel & Administrative work. The word 'administrative' is generic term and at one time embraced all activities of a department/organisation, but over the years, there has been specialisation and development of Management Science; today we have Personnel Management, Financial Management, Legal Cells etc. distinct from each other and with expertise in their own spheres - may be at lower levels- there is overlap of these spheres, but not at middle or top level. Administrative work pure and simple means, Estate Management, House Keeping, Routine Charges etc. and not the work of 'Personnel Department' which has become complex. The D.D.G.(P) is a very specialised post and administration only forms a part of his areas of responsibilities as perceived by the committee.

7. Admittedly the applicant was recruited as R.A.O. The notification of recruitment issued by U.P.S.C. indicates that this is a middle-level-post, eligibility being 45 years of age with 10 years experience in Administration & Establishment matters; the duties mentioned are to supervise and direct the work relating to administration in Regional Offices and to assist a D.D.G. in administrative work. Though, the learned counsel for the applicant has stated that the post of R.A.O. and Director (Admn) have been equated; no notification to that effect has been shown to us.

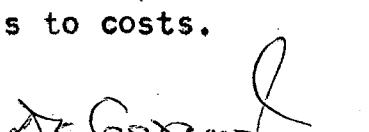
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Accordingly we direct respondents to make suitable amendment in the rules of recruitment as to provide for Channel of promotion to the post of D.D.G.(P). Regarding the promotion of applicant to the post of D.D.G.(P), no direction can be issued by us. In any case it is for the respondents to consider the promotion of the applicant on merits. The application is disposed of as above with no order as to costs.



MEMBER (A)



22.11.90

MEMBER (J)

(Karn/
sns)

November 22nd, 1990

Allahabad.