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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.451/97

DATE OF ORDER : 30-9-97

Between :-

N.V.Rajan

... Applicant

And

1. The Director General,  
Bureau of Police Research & Development,  
M/o Home Affairs, Govt. of India,  
Block No. II, 3rd & 4th Floor,  
CGO Complex, Lodhi Rd,  
New Delhi-110 003.
2. The Joint Director,  
M/o Home Affairs,  
Govt. of India,  
Block No. II, 3rd & 4th Floor, CGO Complex,  
Lodhi Road, New Delhi-110003.
3. The Govt. Examiner for Questioned the  
Documents, Government of India, CFI Campus,  
Ramanthapur, Hyderabad-13.
4. The Directorate General of Employment  
& Training (M/o Labour),  
2A/3, Asaf Ali Road, Kundan Mansion,  
New Delhi-110 002.

... Respondents

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Counsel for the Applicant : Shri V.Venkateshuara Rao

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri V.Venkateshwar Rao, counsel for the applicant and Sri V.Rajeshwar Rao, standing counsel for the respondents.

2. The applicant was initially appointed as a Corporal Photographer in the Air Force. Later he was promoted as Sergeant Photographer in the year November, 1983. He was later discharged from Air Force. The applicant was selected as Asst. Photographer in the office of Respondent No.3 on 30-9-89 and he was appointed as a Photographer in the office of Respondent No.3 on 2-1-95. A post of Asst. Central Intelligence Officer Gr.I (Document Photographer) became vacant on 31-1-96. Senior to the applicant who had fulfilled all the conditions as provided for in the recruitment rules declined his promotion to that post. Hence an open notification was issued for filling up the post of Asst. Central Intelligence Officer Gr.I as the applicant had not fulfilled the requisite conditions as provided for promotion to that post. The recruitment rules also provide direct recruitment in case nobody is available for promotion. An advertisement No.9/97 was issued for filling up the post of Asst. Central Intelligence Officer Gr.I (Annexure A-VII page-23 to the OA) and it is stated that about eighty candidates had submitted their applications. Applicant could not apply for that post as he did not possess qualifications on direct recruitment basis. || This OA is filed for setting aside the Advertisement No.9/97 inviting applications for the post of Asst. Central Intelligence Officer Gr.I (Documents Photographer) and for a

consequential direction to the respondents to promote him on regular basis or on adhoc basis with immediate effect or in the alternative to be filled in by deputation till the applicant becomes eligible as per the recruitment rules with all consequential benefits.

3. The main contention of the applicant is that <sup>if</sup> the post of Asst. Central Intelligence Officer Gr. I (Document & Photographer) is filled by direct recruitment, the applicant will <sup>not</sup> have any chance for promotion. In that view some relaxation should be made ~~in the~~ <sup>made</sup> in the recruitment rules or his promotion has to be made on adhoc basis and has to be regularised after <sup>he</sup> becomes eligible in the normal course.

4. The applicant submits that he has submitted a representation earlier on 27-1-96 in this connection. But that representation was not disposed of, but the learned counsel for the respondents submits that his representation referred to above had already been replied by letter dt. 26-3-97 and hence the applicant cannot have any grouse in this connection. The applicant was clearly informed by the reply that his past ~~of~~ service in the army cannot be counted in this organisation and hence he is not eligible for consideration to the post of Asst. Central Intelligence Officer Gr. I. *by promotion.*

5. The learned counsel for the applicant submits that it is essential on the part of the respondents before resorting to direct recruitment to consider the feasibility of relaxing the recruitment rules or to consider the applicant himself ~~may~~ for promotion on adhoc basis.

6. When we enquired from the learned counsel for the respondents

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whether a direction can be given to the respondents to consider the applicant's appeal for relaxation of the service eligibility and ~~thereafter~~ to consider his case for adhoc promotion, the learned counsel for the respondents submits that the Bench may issue orders as it deems fit as the direct recruitment procedure is already stayed. In view of the above discussion, the following direction is given :-

*Hailing which direct recruitment may be proceeded*

The applicant should submit within fortnight from the date of receipt of a copy of this order a detailed representation for relaxation of service eligibility condition as provided in the ~~recruitment~~ rules to the competent authority. If such a representation is received, the competent authority should dispose it of and till <sup>the</sup> such disposal of the representation, interim order dt. 17-4-97 <sup>shall</sup> be in force.

7. Original Application is disposed of accordingly. No order as to costs.

*[Signature]*  
 (B.S. JAI PARAMESHWAR)  
 Member (J)  
 30.9.97

*[Signature]*  
 (R. RANGARAJAN)  
 Member (A)

Dated: 30th September, 1997.  
 Dictated in Open Court.

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*[Handwritten initials]*

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Copy to:

1. The Director General, Bureau of Police Research & Development, M/O Home Affairs, Govt. of India, Block. II, 3rd and 4th Floor, CGO Complex, Lodhi Road, New Delhi.
2. The Joint Director, M/O Home Affairs, Govt. of India, Block II, 3rd and 4th Floor, CGO Complex, Lodhi Road, New Delhi.
3. The Govt. Examiner for Questioned the Documents, Govt. of India, CFI Campus, Ramanthapur, Hyderabad.
4. The Directorate General of Employment & Training, M/O Labour, 2A/3, Asaf Ali Road, Kundan Manzion, New Delhi.
5. One copy to Mr. V. Venkateswara Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to D. R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

22/10/97

Urgent

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M (J)

Dated: 30/9/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO. 451/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
बिचल/DESPATCH  
21 OCT 1997  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH