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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.502/99

Date of Order: 7.3.2000

BETWEEN :

Suresh Babu ..Applicant.

AND

1. The Director General,
Bureau of Police Research and
Development, Ministry of Home Affairs,
C.G.O.Complex, Block No.II, 3/4 Floor,
Lodhi Road, New Delhi.
2. The Secretary to the Ministry of
Home Affairs, New Delhi.
3. The Secretary to the UNION Public
Service Commission, Dholpur House,
Shahjahan Road, New Delhi.
4. The Chief Forensic Scientist,
Buruau of Police Research & Development,
Ministry of Home Affairs, C.G.O.
Complex, Block No.ll, 3/4 Floor,
Lodhi Road, New Delhi. ..Respondents.

Counsel for the Applicant ..Mr.K.Venkateswara Rao

aCounsel for the RÈspondents ..Mr.V.Rajeswara Rao

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER(ADMN.)

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

O R D E R

)(As per Hon'ble Shri R.Rangarajan, Member(Admn.))(

Mr.K.Venkateswara Rao, learned counsel for the
applicant and Mr.V.Rajeswara Rao, learned standing
counsel for the respondents.

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2. The applicant in this OA is a Senior Scientific Officer belonging to SC community. He was originally appointed as Scientific Assistant (Biology) in the U.P.State Forensic Science Laboratories from 21.1.89 through UPSC and subsequently he was promoted as Senior Scientific Assistant (Biology) from 1.1.93. The applicant later interviewed for the post of Senior Scientific Officer Grade-II in the scale of pay Rs.2200-4000 and he was posted in the Bureau of Police Research and Development at Chandigarh w.e.f. 29.12.93. He is continuing in that post without complaints submits the learned counsel for the applicant. He was confirmed as Senior Scientific Officer w.e.f. 29.12.95 by notification No.13/7/95-Admn.II, dated Nil-8-1997 issued by R-1. He was subsequently transferred to Hyderabad and joined in Hyderabad on 4.5.98. The applicant submits that he had completed 5 years of regular service as on 28.12.98.

3. The applicant is an aspirant for the post of Assistant Director against the promotee quota in the discipline of Biology. A notification was advertised in Employment News of 24-30 May 1997 for filling up the posts of Biology discipline ^{and} ~~against~~ 2 posts have to be filled. That notification was issued calling for applications for filling up the posts by transfer





for S.W.T. 69

on deputation basis. The above notification appears to have been ~~not~~ filed ^{filed} so far as there were no in service candidates fulfilling the conditions in the discipline of Biology for promotion as Assistant Director to fill up the vacancies.

4. This OA is filed praying for a declaration that the applicant is entitled for promotion to the post of Assistant Director (Biology) on completion of 5 years of regular service as Senior Scientific Officer (Biology) in terms of the Bureau of Police Research and Development (Central Forensic Science Laboratory Class-I and Class-II posts) Recruitment Rules 1974 as amended in 1991 against the existing vacancies with all consequential benefits by holding the action of the respondents in resorting to fill up the said post by deputation pursuant to Notification published in Employment News 24-30 May, 1997 by the Director General, Bureau of Police Research and Development, Ministry of Home Affairs, C.G.O.Complex, Block No.11, 3/4 floor, Lodhi Road, New Delhi is arbitrary and discriminatory.

5. It is an admitted fact that a Senior Scientific Officer Grade-II if available fulfilling all the conditions for promotion as Assistant Director his case has to be considered first before going for the transfer on deputation against promotee quota. The respondents in OA. 397/98 decided on 29.2.2000 have admitted that when an officer fulfilling the conditions for promotion as

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Assistant Director against promotee quota is available
the same day the deputationist ~~will be sent back~~ ^{would be repatriated.}

6. In this OA an interim order was passed on 1.4.99 to keep the post of Assistant Director (Biology) vacant until further orders. In view of the above it is stated that no deputationist has ^{been} appointed so far.

7. In view of that the case of the applicant should be considered first for the reasons stated in the earlier referred OA for appointment against promotee quota in accordance with the promotion roster before appointment of any deputationist on transfer.

8. With the above direction, the OA is disposed of. No costs.


(B.S.JAI PARAMESHWAR)

Member (Judl.)


(R.RANGARAJAN)

Member (Admn.)

Dated : 7th March, 2000

(Dictated in Open Court)


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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

1. HONORABLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN
2. HONORABLE MR. R. RANGARAJAN
MEMBER (ADMIN)
3. HONORABLE MR. (JUDL)
4. HONORABLE MR. B.S. JAI PARAMESWAR
MEMBER (JUDL)
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

DATE OF ORDER 7/3/2000

MA/RAT/CP. NO

IN

D.A. NO. 502/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

(8 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

Central Administrative Tribunal
Hyderabad Bench
23 MAR 2000

Hyderabad Bench
HYDERABAD BENCH