

**Central Administrative Tribunal
Principal Bench**

OA No.100/2554/2016

New Delhi, this the 1st day of August, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Jai Prakash Bhulania
S/o Late Shankar Lal Bhulania
Aged about 58 years,
Presently working as Senior Stores Officer/S&S
R/o H-77, Garhwali Mohalla,
Laxmi Nagar,
Delhi 110 092 Applicant.
(By Advocate : Shri Nilansh Gaur)

Versus

1. Union of India through its
Secretary
Ministry of Human Resources Development
Shastri Bhawan,
New Delhi.
2. National Council of Educational Research &
Training (NCERT)
Through its Secretary
Sri Aurobindo Marg,
New Delhi 110 016. ... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

Heard.

2. Issue notice. Shri Hanu Bhaskar, learned standing counsel appears and accepts notice on behalf of the respondents.
3. The short grievance of the applicant is that the Executive Committee of National Council of Educational Research & Training (NCERT for short), i.e., Respondent No.2, in its 97th Meeting considered and approved reconstructing of the Council and also changed/modified the posts, pay scales and grade pay etc. Consequent upon the decision, the entire exercise was carried out and the Rules were finalized in 98th Meeting of the Council by approving the minutes of 97th Meeting. It is further contended that once the exercise having been completed there is no occasion to the respondents to again approach the Ministry of Human

Resources Development, and to restart the entire exercise once again. To support this contention, learned counsel for the applicant has referred to the communication dated 08.06.2016 whereby a decision has been taken to invite comments from the stakeholders. Reference is also made to Annexure A/2, an internal order dated 20.07.2016 whereby a Committee has been constituted to examine the objections etc., and submit its report by 26.07.2016. Learned counsel submits that once the exercise has already been completed, there was no occasion for the respondents to go through the entire process once again.

4. The prayer made in the OA is to notify the revised Recruitment rules and implement w.e.f. January, 2013, and to consider the applicant for redesignation as Under Secretary. We are afraid such a direction is warranted under law. The respondents are carrying out a legislative exercise and it is not open for this Tribunal to interfere in the process.

5. At this stage, learned counsel for the applicant submits that the representation of the applicant dated 29.04.2016 (Annexure A/9) may be considered by the respondents. To this extent, we have no reservation.

6. In this view of the matter, this OA is being disposed of at the admission stage itself with direction to the respondents to examine and consider the representation of the applicant dated 29.04.2016 (Annexure A/9) and dispose of the same by passing a reasoned and speaking order within a period of three months from the date of receipt of this order.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/