

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2006/2013

Thursday, this the 8th day of October 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)**

Anand Prakash Dube
Age about 53 years
s/o Mr. Raj Mani Dube
r/o E-5, Jawahar Park, Laxmi Nagar
Delhi-92

...Applicant

(Mr. Amit Anand, Advocate)

Versus

Through Union of India & others

1. The Director
Directorate of Printing
Govt. of India Press
Nirman Bhawan, New Delhi
2. The General Manager
Govt. of India Press
Minto Road, New Delhi
3. The Secretary
Ministry of Urban Development
Govt. of India Press
Nirman Bhawan, New Delhi

..Respondents

(Mr. Ashok Kumar, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

In the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has questioned the order No.186/E-I/Offset dated 18.5.2012 whereby he was re-deployed as Offset Machine Assistant. The prayer reads thus:-

“(i) quash and set aside the impugned order dated 18.05.2012 (Annexure-A-1) and to consider the applicant for the post of DTP operator wherein, all the other similar situated person have been deployed;

(ii) May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.”

2. Mr. Amit Anand, learned counsel for applicant submitted that in terms of circular No.D-31/E-1/50 dated 29.6.2007, the surplus Lino Operators could be re-deployed either as Offset Machine Man or DTP Operator and not Offset Machine Assistant. The circular reads thus:-

“Circular

It is circulated for information to all the surplus employees of the press that the sanctioned strength has been notified by the Directorate of Printing under the Modernization Scheme. Accordingly following posts are to be filled up on absorption in this press as per recruitment rules.

Interested eligible surplus employees of this press may apply for their option for absorption as per the provisions of the recruitment rules as different categories mentioned below.

Sl.No.	Category of surplus employee	Posts where absorption is to be made	No. of Posts
1.	XX	XX	XX
2.	XX	XX	XX
3.	XX	XX	XX
4.	Lino Operator Rs.4000-6000	Off. Machineman (Rs.4500-7000)	17
5.	XX	XX	XX

The selection of the surplus employees for absorption in various posts will be done strictly as per their seniority in the post opted for by them subject to their eligibility. The No. of posts as shown in this circular is based on the clear vacancies available at present. The No. of vacancies may go up after promotions from these categories is made in the higher grade in due course of time.

The selected employees will be required to undergo training for a period of 3 months/6 months as prescribed in the relevant Recruitment Rules. The inhouse training will be of 2 months/ 3 months and thereafter the employees will be deputed to Production-cum-Training Centre, Shimla for the remaining period of training i.e.

for 1 month/3 months as the case may be in batches. After successful training, the employees will be absorbed in the new post subject to qualifying in the Trade Test.

A copy of the Training Schedule and Syllabus is also displayed for the information and guidance of the employees.

The option forms are available in the E.I Section which may be obtained by the employees and submitted back positively by 6.7.2007.”

3. Mr. Ashok Kumar, learned senior panel counsel for Union of India submitted that it was the applicant alone, who made a representation for his retention in the same Press, i.e., the Press where he was working as Lino Operator and it was in acceptance of his representation only the applicant was re-deployed as Offset Machine Assistant. He further made reference to paragraph 4.8 of the reply, which reads thus:-

“4.8 On 13.7.2007, applicant and 10 other surplus Mono/Lino operators of Government of India Press, Minto Press, New Delhi requested the Manager of this Press to absorb them within the G.I. Press, Minto Road, New Delhi itself as per the Recruitment Rules. On the date of receipt of letter annexed as Annexure R-4, the Sanctioned Strength of the post of DTP Operator in Government of India Press, Minto road, New Delhi was 108 and against which 1213 DTP Operators were already on roll. So, these Surplus Lino Operators could not be absorbed in the post of DTP Operator. But as per Recruitment Rules, they could be absorbed in the post of Offset Machine Assistant.”

4. Re-joining the submissions, Mr. Amit Anand, learned counsel submitted that the request in the representation was for his re-deployment in the same Press and not for re-deployment to the lower post as Offset Machine Assistant.

5. We heard the learned counsels for the parties and perused the record.

6. We find from the office circular dated 2.7.2007 (Annexure R-1 to the reply) that the surplus Lino Operators were to be re-deployed as DTP Operators. The circular reads thus:

“Office Circular

It is circulated for information of all the employees of this Press that the post-modernization staff strength duly approved has been received in this Press. The Press has accordingly initiated action for filling up of all vacant posts by absorption/direct recruitment/promotion/ transfer etc. In this regard, the following surplus employees are required to be absorbed in the posts mentioned against their categories.

Sl. No.	Name of surplus posts	Category in which to be absorbed	Vacancies available at present
1.	Compositor	Assistant Binder Assistant Plate Maker Offset Machine Attendant Copy Holder Risographer Assistant Silk Screen Optr.	25 2 15 25 9 2
2.	Machineman (LP) Gr. II	Offset Plate Maker Offset Machine Attendant	5 15
3.	Machine Assistant (LP)	Assistant Binder Assistant Plate Maker Offset Machine Assistant (8 years regular service as Machine Assistant (LP)) Offset Machine Attendant	25 2 16 15
4.	Mono Caster Operator	Offset Machine Attendant Assistant Binder Assistant Plate Maker	15 25 2
5.	Foreman (Lino)	Foreman Binding	3
6.	Section Holder (Case)	Section Holder Binding	8
7.	Lino Operator	DTP Operator	1
8.	Mono Operator	DTP Operator	1
9.	Mechanic (Lino)	Mechanical (Ptg. & Bdg.)	7
10.	Assistant Mechanic (Lino)	Assistant Mechanic (Ptg. & Bdg.)	3
11.	Chowkidar	Peon	1
12.	GPP Man	Matter regarding their absorption is being taken up with the Directorate of Printing	-
13.	K.B.O.	-	-
14.	Xerox Operator	Offset Plate Maker	5

The absorption of surplus employees will be done in this Press to the extent of available vacancies. Those who cannot be absorbed in this Press may be absorbed in other Presses.”

7. Even from the circular No.D-31/E.I Modernisation/52 dated 10.7.2007 (Annexure R-2 to the reply), it is clear that the surplus Mono/Lino Operators were to be re-deployed as DTP Operators against the vacancies available in the Government of India Presses mentioned in the said circular, viz. GIP, Mayapuri, New Delhi, GIP, Rashtrapati Bhavan, New Delhi, GIP, Faridabad, GIP, Aligarh, GIP, Nilokheri (Karnal), GIP, Koratty (Kerala) and GIP, Nasik.

8. In the Application cum Option Form (Annexure R-3 to the reply), the applicant had opted for his re-deployment as DTP Operator. The relevant portion of the Form reads thus:

- | | | | |
|----|--|---|--|
| 1. | Name of the surplus employees (as given in the Service Book) | : | Anand Prakash Dube |
| 2. | Present Designation/
Present Pay & Pay Scale of the post | : | Lino – Operator Basic. Rs... |
| 3. | Option for redeployment/
absorption in other Govt.
of India Press, in order of
preference | : | <div style="display: flex;"> <div style="flex: 1;"> <div style="display: flex;"> <div style="flex: 1;">1.</div> <div>GIP Minto Road, New Delhi</div> </div> <div style="display: flex;"> <div style="flex: 1;">2.</div> <div>GIP Rashtrapati Bhawan
New</div> </div> <div style="display: flex;"> <div style="flex: 1;">3.</div> <div>GIP Mayapuri, New Delhi</div> </div> <div style="display: flex;"> <div style="flex: 1;">4.</div> <div>GIP Minto Road, New Delhi</div> </div> <div style="display: flex;"> <div style="flex: 1;">5.</div> <div>GIP Rashtrapati Bhawan,
New</div> </div> <div style="display: flex;"> <div style="flex: 1;">6.</div> <div>GIP Mayapuri, New Delhi</div> </div> <div style="display: flex;"> <div style="flex: 1;">7.</div> <div>GIP Rashtrapati Bhawan,
New</div> </div> <div style="display: flex;"> <div style="flex: 1;">8.</div> <div>GIP Faridabad</div> </div> </div> </div> |
| 4. | Option for absorption to the post | : | DTP Operator |
| 5. | Date of Birth/Age | : | 08-06-1961 46 yrs. |

6.	Date of entry in Govt. service/ Date of Superannuation	:	02-03-1987 31-05-2021
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9. Even in the representation 13.7.2007 (Annexure R-4 to the reply) also, the applicant though had asked for re-deployment in the same Press but had not given any option for his re-deployment as Offset Machine Assistant.

In the wake, there is no justification in the action taken by the respondents.

10. The Original Application is disposed of with direction to the respondents to re-deploy the applicant as Offset Machine Man or DTP Operator in any of the Presses of Government of India where the vacancy in such grade is available and if the vacancy is not available then against next available vacancy as and when it arise. No costs.

(Dr. B.K. Sinha)
Member (A)

(A.K. Bhardwaj)
Member (J)

October 8, 2015
/sunil/