

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 2936/2016

This the 06th day of February, 2017

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

Smt. Janki Khulbe
W/o. Late Sh. M.C. Khulbe
Aged about 59 years,
R/o. House No.-62-A, Pocket-III,
Mayur Vihar, Phase-I,
New Delhi- 110 091. ...Applicant

(By Advocate : Shri Amit Anand)

Versus

Union of India & Ors. Through

1. The Secretary (AF & FW)
Department of Agriculture, Cooperation & Farmers' Welfare, Ministry of Agriculture & Farmers' Welfare
Krishi Bhavan, New Delhi.
2. The Director (Administration),
Directorate of Extension,
Krishi Vistar Bhavan,
Pusa, New Delhi.
3. The Director (Extension)
DAC, Krishi Bhavan,
New Delhi.
4. The Secretary,
Union Public Service Commission
Dholpur House, Shahjahan Road,
Delhi-110 069. ...Respondents

(By Advocates: Shri B.L. Wanchoo, Shri R.V. Sinha and Shri R.N. Singh)

Order(Oral)

Mr. Justice Permod Kohli, Chairman :-

The applicant joined the Department of Agriculture, Cooperation and Farmers' Welfare, Ministry of Agriculture and

Farmers' Welfare as a LDC on 29.05.1975. She earned various promotions from time to time up to the level of AAO in Directorate of Extension (DOE) on 02.03.2009. The next promotional post is that of Deputy Director (Administration) in the Ministry of Agriculture and Farmers' Welfare. The eligibility criteria for the post of Deputy Director (Administration) is seven years regular service in the post of Assistant Administrative Officer in Directorate of Extension (DOE), a subordinate office of DAC and FW of the ministry in Pay Band-2, Rs.9300-34800 plus grade pay of Rs.4600/-, along with 2 weeks special training programme in Institute of Secretariat Training and Management. The promotions etc. in the Ministry of Agriculture, Directorate of Extension to the posts of Director (Administration), Deputy Director(Administration) and Deputy Director(Accounts) are governed and regulated by the recruitment rules notified in the year 2015. The post of Deputy Director (Administration) is required to be filled up by promotion failing which by deputation (including short-term contract). The applicant who was working as Assistant Administrative Officer was promoted to the post of Deputy Director (Admn.) in PB 3, on ad hoc basis with effect from the date she was to assume the charge of the post, and up to 31.12.2016, or till the post is filled up on regular basis or until further orders, whichever is earlier. After the aforesaid promotion of the applicant, the department issued a vacancy circular dated 08.07.2015 inviting applications for filling up the post of Deputy Director (Admn.) in the Directorate of Extension, New Delhi on deputation basis from amongst the

officers under the Central or State Governments or Union Territories etc.

2. The applicant retired on 31.12.2016. The present OA has been filed seeking a direction for regular promotion of the applicant to the post of Deputy Director (Admn.) w.e.f. 16.04.2015.

3. The respondents in their counter affidavit have stated that the post of Deputy Director(Admn.) fell vacant on 16.04.2015. In accordance with the Recruitment Rules, the post was required to be filled up by promotion failing which by deputation. As on the date the post became vacant, there was no eligible candidate including the applicant. Though the applicant was in the feeder channel, she was not possessing the requisite experience of 7 years as Assistant Administrative Officer which is the mandatory condition for promotion. Shri B.L. Wanchoo, learned counsel appearing for respondent Nos. 1 and 3 submits that it was under these circumstances that the vacancy circular was issued inviting applications to fill up the post on deputation basis.

4. The UPSC has also taken a similar stand. It is additionally stated by Shri R.V. Sinha that on receipt of the reference, meeting of the Selection Committee was held on 21.03.2016 for selection of officers for appointment on deputation basis to the post of Deputy Director (Admn). The Selection Committee recommended Dr. Sumathi S. for appointment on deputation basis. The applicant was not considered for promotion since she had not rendered requisite seven years of service in the feeder cadre of Assistant

Administrative Officer as on the closing date for receipt of applications, i.e., 09.09.2015. The applicant became eligible only on completing seven years of requisite service in the feeder grade on 02.03.2016 and became eligible for promotion to the post of DD(Admn.) as on 01.04.2016. The learned counsel submits that no eligible candidate was available when the vacancies were advertised i.e. on the last date of receipt of the applications, and the post had to be filled up by deputation in accordance with the recruitment rules. Hence, the applicant has no claim or right for regular appointment against the post in question. In any case, the applicant continued to occupy the promotional post on ad hoc basis till her retirement on 31.12.2016. She had earned full salary of the promotional post and will be entitled to the pensionary benefits admissible against the promotional post. Accordingly, we do not find that the applicant can have any claim for the promotional post, she being not eligible under the terms of vacancy circular i.e. till the last date of receipt of applications prescribed in the vacancy circular.

5. We do not find any valid ground to interfere. O.A. dismissed.

No costs.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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