

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

O.A No.1904/2018

**Reserved On:05.07.2018
Pronounced on:16.07.2018**

Hon'ble Mr. V. Ajay Kumar, Member (J)

Hon'ble Ms. Praveen Mahajan, Member (A)

1. Ms. Kavita, Daughter of Late Shri Ghanshyam Dass
Resident of A/82-83, Amar Colony,
Lajpat Nagar-IV, New Delhi-110024
Presently working as UDC (Recruitment Cell), AIIMS.
2. Ms. Jyoti Kapoor, Wife of Shri Raj Kumar Kapoor,
B-4/432-433, Sector-8,
Rohini, New Delhi-110085
Presently working as UDC (Recruitment Cell), AIIMS.
3. Mr. Satish, Son of Shri Roshan Lal
Resident of G-17, Ansari Nagar, AIIMS, New Delhi-110029
Presently working as UDC (Recruitment Cell),
AIIMS. Applicants

(By Advocate: Shri Sushant Kumar with Shri Amitesh Sharma)

Versus

1. The Director,
All India Institute of Medical Science, Ansari Nagar, New Delhi.
2. The Dy. Director,
All India Institute of Medical Science, Ansari Nagar, New Delhi.
3. Administrative Officer (Recruitment Cell)
All India Institute of Medical Science, Ansari Nagar, New Delhi.
4. Ms. Tanveer D/o Shri S.S. Dhillon
Working as UDC in AIIMS, New Delhi.
5. Ms. Sushil Kumar
Working as UDC in AIIMS, New Delhi.
6. Ms. Meena Gupta
Working as Assistant in AIIMS, New Delhi.
7. Shri Arvind Kumar
Working as Assistant in AIIMS, New Delhi.
8. Ms. Rashu Kabtiyal
Working as Assistant in AIIMS, New Delhi.
9. Nagender
Working as Assistant in AIIMS, New Delhi.
10. Pramod Kumar
Working as UDC in AIIMS, New Delhi.
11. Satya Dev Sharma
Working as UDC in AIIMS, New Delhi.
12. Ms. Meena Gupta

Working as Assistant in AIIMS, New Delhi.

13. Ms. Urmila

Working as UDC in AIIMS, New Delhi.Respondents

(By Advocate: Shri V.S.R. Krishna for R-1 to 3 and Shri Yogesh Sharma for R-4 to 13)

ORDER

By Mr. V. Ajay Kumar, Member (J)

The applicants, 3 in number, and working as UDCs in the respondent-All India Institute of Medical Sciences (AIIMS), filed the OA seeking a direction to send the candidates selected as per the list dated 07.03.2016 for training at ISTM.

2. Heard Shri Sushant Kumar, learned counsel for the applicants and Shri V.S.R. Krishna, learned counsel for the Official respondents 1 to 3 and perused the pleadings on record.

3. It is submitted on behalf of the applicants that as per the Recruitment Rules (RRs) they are fully qualified and eligible for appearing in the Screening Test for deputing for training in Cash and Accounts for promotion to the post of Junior Accounts Officer, as per the rules. Accordingly, they have participated in the Screening Test conducted by the respondents along with various other UDCs and Assistants. The respondents vide Annexure A-3 notice dated 07.03.2016 informed that consequent upon declaration of result of Screening Test of post of Junior Accounts Officer held on 20.09.2015, the applicants were shortlisted along with certain others in order of merit for undergoing Cash and Accounts training at ISTM, New Delhi, wherein the names of the

applicants were shown against Sl.Nos.1, 5 and 7, as per their merit in the Screening Test. However, the respondents all of a sudden, vide impugned Annexure A-1 Memorandum dated 09.05.2018 cancelled/withdrawn the entire selection process and decided that the vacant post of Junior Accounts Officer shall be filled in on seniority-cum-suitability as against the principle of merit-cum-seniority as was followed earlier.

4. It is further submitted that as per the RRs applicable for the post of Junior Accounts Officer, the Assistants (previously known as Head Clerks)/UDCs who have undergone Cash & Accounts training conducted by ISTM were eligible by way of method of recruitment by promotion. Rule 9 (a) of the RRs prescribes merit-cum-seniority and hence cancelling the process which was held as per merit-cum-seniority wherein the applicants were selected and proceeding to follow the seniority-cum-suitability is against the RRs and accordingly prays for appropriate orders.

5. On the other hand, the respondents while not disputing the fact of placing the applicants at Sl.Nos. 1, 5 and 7 in the Annexure A-3 dated 07.03.2016, however, submits that the said selection was wrongly and mistakenly conducted as per merit-cum-seniority and accordingly the same was cancelled and now they are proceeding to follow the principle of seniority-cum-suitability as prescribed by the RRs for sending any of the Assistants (Head Clerks)/UDCs to the Cash and Accounts training at ISTM.

6. In the backdrop of the aforesaid submission, the case of both sides is dependent upon the RRs for the post of Junior Accounts Officer and the relevant rules of the same read as under:-

“Recruitment Rules

Sl.No.		
1.	Name of the post	Junior Accounts Officer
2.	No. of Posts	10 (1992)
3.	Classification	Group ‘B’
4.	Scale of Pay	Rs.1640-60-2600-EB-75-2900
5.	Method of Recruitment	By promotion from amongst the Head Clerks/UDCs who have undergone Cash and Accounts Training conducted by ISTM Note (i) The Head Clerks/UDCs who opt for the Accounts Cadre will be imparted Cash & Training from ISTM as per their seniority-cum-suitability to be adjudged by the Financial Adviser with the approval of the DDA/Director. (ii) The Office Supdts. who have been deployed and already in position against the posts of JAOs will be imparted training prescribed above in the initial batches deputed for such training prior to other opting for training.
6.	XXX	XXX
7.	XXX	XXX
8.	XXX	XXX
9.	In case of recruitment by promotion a) Whether by seniority-cum-fitness, ‘non-selection’ or by merit-cum-seniority, i.e., ‘selection’ (b) Grades from promotion is to be made and eligibility.	: Merit-cum-seniority Head Clerks/UDCs who have successfully undergone “Cash & Accounts training Course conducted by ISTM, New Delhi”.

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7. A careful examination of the RRs reveals that different principles were prescribed for selecting the Head Clerks/UDCs for sending for Cash & Accounts Training and for appointing them on promotion as Junior Accounts Officer. The principle of seniority-cum-suitability is prescribed for selecting them for sending for Cash & Accounts Training conducted by ISTM under Rule 5. Whereas for appointment on promotion after the completion of training, the principle prescribed under Rule 9 in the RRs is merit-cum-seniority. The respondents who earlier wrongly placed the applicants at particular places in the result list by wrongly following the principle of merit-cum-seniority now rectified their mistake by cancelling the said selection list by issuing the impugned order and now proceeding to follow the correct principle of seniority-cum-suitability for selecting candidates for sending for Cash & Accounts training at ISTM. Hence, we do not find any illegality or irregularity in the action of the respondents.

8. In the circumstances and for the aforesaid reasons, the OA is dismissed and the interim order dated 21.05.2018 is vacated. No costs.

(PRAVEEN MAHAJAN)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS