

**Central Administrative Tribunal
Principal Bench
New Delhi**

**OA No.3004/2016
MA No.3132/2016
MA No.2652/2016**

This the 18th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

NSIC Officers Association (Regd. & recognized)
through

1. Harjinder Saini, President of
NSIC Officers Association Group 'A',
S/o late Mohinder Saini,
Working as Deputy General Manager in the
Office of NSIC Ltd., NSIC Bhawan,
Okhla Industrial Estate,
New Delhi-110020.
2. Bhupinder Arya S/o B. S. Arya,
Working as Manager in the office of NSIC Ltd.,
NSIC Bhawan,
Okhla Industrial Estate,
New Delhi-110020. ... Applicants

(By Mr. V. S. R. Krishna, Advocate)

Versus

National Small Scale Industries Corporation Ltd.
through the Chairman-cum-Managing Director,
National Small Scale Industries Corporation Ltd.,
NSIC Bhawan,
Okhla Industrial Estate,
New Delhi-110020. ... Respondent

(By Mr. S. M. Arif, Advocate)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant No.1 is an association of employees of National Small Industries Corporation Ltd. (NSIC), the respondent herein. In a representative capacity, it has filed this OA with a prayer to quash and set aside the advertisement issued by the respondent organization, proposing to fill the posts of Chief Manager. It is stated that the filling up of that post is governed by the recruitment and promotion rules, and contrary to the prescribed procedure, the posts are sought to be filled up. It is also pleaded that the members of the applicant association are entitled to be promoted to the advertised posts, and a direction is sought to consider promotion of eligible officers on *ad hoc* basis. Other consequential reliefs are also sought.

2. The respondent filed a detailed counter affidavit. An objection is raised as to the very maintainability of the OA. It is stated that the recruitment rules themselves provide for filling up of the post of Chief Manager, to the extent 80% through promotion, out of which 20% by selection, and the remaining 20%, by direct recruitment. According to the

respondent, the number of posts in that category was enhanced to meet the requirement for expansion of its activities, and the advertisement is only for engagement on contractual basis.

3. Heard Shri V. S. R. Krishna, learned counsel for the applicant, and Shri S. M. Arif, learned counsel representing the respondent.

4. The post of Chief Manager in the respondent organization occurs at serial number 6a of the schedule attached to the recruitment and promotion rules, under Group 'A' posts. The method of appointment to these posts is indicated as under:

“80% by promotion out of which 20% by selection.

20% by direct recruitment”

5. The applicant association can have any serious objection, if only, any posts that were earmarked for promotion, are sought to be filled through direct recruitment. Further, the posts, which are sought to be filled up, are stated to be not part of the regular strength or cadre, which, at present, is 1100. According to the respondent, 65 posts, which are created, are

proposed to be filled on contractual basis. The relevant paragraph in the counter affidavit reads as under:

“4. I state that the respondent corporation had put up a proposal for increasing the overall manpower strength from 1100 to 1350 in the 504th Board meeting held on 03.03.2016, but the Board instead of increasing the overall sanctioned strength of regular employees, has approved 65 posts in the cadre of Chief Manager, Deputy Manager and Assistant Manager to be filled up on contractual basis. These 65 posts on contract basis are not included in the regular strength of 1100 nos. Accordingly, the Corporation has issued the advertisement for filling up the post on contractual basis. As per the approval, the respondent corporation advertised 60 vacancies in all the above posts except Chief Manager (F&A) (05 posts). The respondent corporation has received applications against the advertisement, as the last date of receipt of applications was 11.08.2016 and the applications are under process of scrutiny.”

6. Once it is clear that the posts, which are sought to be filled through the impugned advertisement, are not part of the regular cadre, and the posts of Chief Manager to the extent of 80% of the approved cadre strength are not proposed to be filled by way of direct recruitment, there cannot be any objection on the part of the applicants.

7. We, therefore, dispose of this OA by taking on record the statement contained in the counter affidavit that the

posts, that are proposed to be filled through the impugned advertisement, are not part of the regular cadre. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/