

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 401 of 2012

Date of CAV: 21.08.2018

Date of Pronouncement: 24.08.2018

Between:

D. Krishna, S/o. late D. Balaiah,
Aged about 45 years, Occ: Junior Engineer,
Central Water Commission,
R/o. Juloor Post and Village Bhudan Pochampally,
Nalgonda.

... Applicant

And

1. Union of India, Represented by
The Secretary to the Government,
Ministry of Pensions ad Public Grievances,
Department of Personnel and Training,
New Delhi.
2. The Secretary to the Government,
Ministry of Water Resources,
New Delhi.
3. The Secretary to the Government,
Ministry of Finance,
Department of Economic Affairs,
North Block, New Delhi.
4. The Central Water Commission,
Rep. by its Chairman,
Government of India, 528 (N),
Sewa Bhavan, R.K. Puram, New Delhi.
5. The Director (R&R and DC)
Ministry of Personnel, Public Grievances and Pensions,
Department of Personnel and Training,
3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi – 110003.
6. The Chief Engineer, Krishna and Godavari Basin,
Central Water Commission,
H. No. 14-4-648, AC Guards,
Hyderabad – 500 004.

... Respondents

Counsel for the Applicant ... Mr. Siva, Advocate

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

Hon'ble Mr. Swarup Kumar Mishra ... Member (Judl.)

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

The OA has been filed challenging the impugned order DOPT Proceeding No.05.08.2011 R & R and DC dt. 2.1.20012 issued by 5th respondent in not redeploying the applicant in any of the officers falling within the administrative control of the Ministry of Finance.

2. The applicant while working as Junior Engineer in Government Mint, was declared surplus in view of the Government policy of corporatizing the Mints and Presses functioning under the administrative control of the Ministry of Finance. Consequent to this decision the employees were given an option of either opt for Government service or join the new corporation christened as Security Printing and Minting Corporation of India Limited (SPMCIL). Those who opted for Government service were placed under the surplus cell, maintained and regulated by the Department of Personnel & Training, as per Central Civil Services (Redeployment of Surplus Staff) Rules, 1990. Respondents as per rules cited, have redeployed the applicant to the Central Water Commission. The applicant joined the Commission as directed by the impugned proceedings for fear of being coerced, if he were not to join.

3. The applicant's contention is that as per the cited rules, he should have been redeployed to any of the departments functioning under the aegis of Ministry of Finance. His request was generally for any of the departments under Ministry of Finance and in specific as Inspector in the Central Excise and Customs Department, as per Rule 5(2) of the CCS Rules referred to. Applicant contends that there has been a precedent where surplus staff of National Savings Organization redeployed

as Inspector of Income Tax as per Rule 5 vide Office Memorandum dt. 20.03.2007, though they were initially allotted to the Department of Posts.

4. The respondents contend that the applicant was redeployed to the Central Water Commission as some vacancies of the appropriate grade were reported to the Surplus Cell, when they were considering the case of the applicant. The Respondents defended their stand by asserting that a surplus employee who has already been deployed shall not be eligible to seek readjustment except in the following cases:

- (a) When redeployed, otherwise than at his own request-
 - (i) in a post carrying a pay scale lower than the pay scale on which he was borne at the time of being declared surplus; or
 - (ii) in a post carrying a lower classification than that of a post held by him at the time of being declared surplus; or
 - (iii) in the case of an employee whose maximum of pay scale, as per the Central Civil Services (Revised Pay) Rules, 1986, did not exceed Rs.2,900/- in a State other than the State (s) in which he had requested for his placement to be arranged while awaiting redeployment and, in the absence of such request, the State in which he was posted at the time of being declared surplus.

The respondents examined the representation of the applicant for being considered as Inspector, Central Excise & Customs Department and their stand was as under:

“..the case of redeploying surplus employees getting grade pay of Rs.4200/- in Government Currency Press, Security Press and Bank Note Press in grade pay of Rs.4600/- which is grade pay of Inspector Income Tax, Central

Excise, Customs and Preventive Officer, was examined in this Division in consultation with Establishment Division (DOPT) and Department of Expenditure, Ministry of Finance. The advice of Establishment Division is as follows: *“rule 5(2) (i) of CCS (Redeployment of Surplus Staff) Rules, 1990 inter alia provides that the surplus employee may be redeployed in a post carrying a non-matching pay scale provided that the maximum of the pay scale of such post does not exceed the maximum of the pay scale of the Surplus employee by more than 10%. Accordingly, the employees carrying the pre-revised pay scale of Rs.5000-8000 (revised to grade pay of Rs.4200/-) were not allowed the pre-revised pay scale of Rs.5500-9000/- (revised to grade pay of Rs.4600/-) after being declared surplus. Hence, it is not clear as to how the grade pay of Rs.4600/- (pre-revised pay scale of Rs.6500-10500/-) can be allowed to such surplus employees now”* (Annexure-B). Department of Expenditure, Ministry of Finance, Government of India have endorsed the views of DOPT that Surplus Employees having a grade pay of Rs.4200/- cannot be absorbed or redeployed in the posts having a grade pay of Rs.4600/-.

5. The respondents hitherto in the case of National Savings Organization, the surplus employees were readjusted as Inspector, Income Tax prior to 21.4.2004, when the scale of the Income Tax Inspector was Rs.5,500-9,000. Post 21.04.2004, the scale has been revised to Rs.6,500-10,500/-.

6. Heard the learned counsels.

7. Based on the submissions and written documents enclosed, it is lucid that the applicant's plea is essentially to be considered for any of the departments under Ministry of Finance and in particular to Customs and Central Excise. The respondents have been fair enough in examining the request of the applicant for readjustment to Central Excise & Customs Department and regretting the same as the applicant was not eligible as per the redeployment rules under reference. The respondents' rejection of the applicant's request stands valid in the context of the

prevailing rules governing readjustment of a redeployed employee. However, the prayer of the applicant was partially responded to. His request was, as well to any of the departments under the Ministry of Finance.

8. To meet the ends of justice, the Tribunal is of the view that such an examination would resolve the grievance that has germinated through this OA. Hence, the respondents are directed to consider the request of the applicant by re-examining his plea for readjustment to any of the departments under the Ministry of Finance, as per rules referred to, and dispose the same within three months from the date of receipt of this order.

9. The OA is disposed of accordingly. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDL.)

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 24th day of August, 2018

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