

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

OA No. 1345/2013

Reserved on: 07.02.2019

Pronounced on: 13.02.2019

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

G. K. Singh, age about 46 years,
S/o. Shri S. C. Singh,
Assistant Director (Litigation) Grade-I
O/o. Director General of Supplies & Disposals,
Jeevan Tara Building, 5 Parliament Street,
New Delhi - 110 001. ...Applicant

(By Advocate : Ms. Rani Chhabra)

Versus

1. Union of India,
Through its Secretary,
Ministry of Commerce & Industries
Department of Commerce, (Supply Division)
Udyog Bhawan
New Delhi – 110 011.
2. Finance Secretary,
Government of India,
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi – 110 001.
3. Director (Administration)
O/o. The Director General of Supplies and Disposal
Jeevan Tara Building,
5, Parliament Street,
New Delhi.
4. Dy. Director (Admn-III)
General of Supplies and Disposal
Jeevan Tara Building,

5, Parliament Street
New Delhi – 110 001.

...Respondents

(By Advocate : Mr. A. K. Singh)

O R D E R

By Hon'ble Ms. Aradhana Johri, Member (A) :

The applicant, Shri G. K. Singh was appointed as Assistant Director (Litigation) Grade II in Directorate General of Supplies and Disposals [DG (S&D)]. He subsequently became eligible for promotion as Dy. Director (Litigation). However, by office memorandum of Department of Expenditure, Ministry of Finance dated 01.11.2012, (Annexure -1), as an economy measure for all Ministries, it was stated that posts that had remained vacant for more than one year would not be revived except in very rare unavoidable circumstances and after seeking clearance of the Department of Expenditure. Since the post of Deputy Director (Litigation) came within the purview of this O.M and had been vacant for more than one year, the applicant was not promoted. Subsequently, the DG (S& D) itself was closed down.

2. It is the contention of the applicant that since he put in three years regular service as Assistant Director (Litigation) Grade II, he should have been promoted to the post of Deputy Director (Litigation) as per recruitment

rules. However, due to some reasons or the other, he was not promoted and the post of Deputy Director (Litigation) remained vacant for a long time. In the meantime, some sort of stop gap arrangement was made for Deputy Director (Litigation). He has also stated that in reply to a legal notice he was informed by respondents that he would become eligible in January, 2012 but, instead of promoting him they have treated the post as deemed abolished. The applicant has challenged the Department of Expenditure Office Memorandum dated 01.11.2012, asking for it to be quashed, and made a claim for promotion to the post of Deputy Director (Litigation).

3. Respondents have denied the claim of the applicant. They have stated that the post of Deputy Director (Litigation) became vacant on the retirement of Sh. Sudhir Chandra on 28.02.2001. At that time, no candidate, including the applicant, was eligible for this post through promotion. Therefore, the department made efforts to fill the post through deputation. The post was also advertised but due to non availability of eligible officers, it could be filled. As an internal arrangement, Shri. Nirmal Kumar, the then Dy. Director (Supply) posted in Ministry of Defence

was transferred back to Deputy Director (S&D) Headquarters as Deputy Director (Litigation) for a short period. However, the officer did not join in the litigation branch. Due to austerity measures, vide above mentioned memorandum dated 01.11.2012, issued by Department of Expenditure, which is applicable across all posts in the Government, there is no long any post of Deputy Director (Litigation) on the date of the applicant's eligibility. Therefore, since the post remained vacant for a long, it was abolished. Furthermore, they have contended that the Department of DG (S& D) has itself been abolished and the staff declared surplus who are to be redeployed.

4. Heard Ms. Rani Chhabra, learned counsel for applicant and Mr. A.K. Singh, learned counsel for respondents.

5. The said O.M of DOE, Ministry of Finance, stating that posts which have remained vacant for more than a year shall not be revived as a general economy measure running across all Ministries and posts of Government of India, is not discriminatory and has been implemented across the Board. Further, the Department of DG (S&D) has itself been abolished, keeping this fact in mind, no case

is made out for promotion of the applicant. It is not as if the applicant is on the roads, he is working under DoP&T in the Surplus Staff Establishment Cell of Ministry of Department of Commerce and will be redeployed as and when the appropriate time comes. The O.A is dismissed with no order as to costs.

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

/Mbt/