

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE  
ORIGINAL APPLICATION NO.170/00185/2019  
DATED THIS THE 04<sup>th</sup> DAY OF DECEMBER, 2019**

**HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER  
HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

Smt.Chandramathi T  
W/o M.Gopal Naik  
Aged about 59 years  
Administrative Officer – Hospital  
NIMHANS, Hosur Road  
Bengaluru-560 029.  
R/at No.211, 13<sup>th</sup> Main, 2<sup>nd</sup> Cross  
RBI Layout, J.P.Nagar  
7<sup>th</sup> Phase, Bengaluru-560 078.

....Applicant

(By Advocate Sri Tharanath Poojary Assts.)

Vs.

1. Union of India  
Rep. by its Secretariat  
Ministry of Health and Family Welfare  
A-Wing, J.P.Extension  
Delhi Secretariat  
New Delhi-110 001.
2. The National Institute of Mental Health and  
Neuro Science, Hosur Road  
Bengaluru-560 029.  
Represented by its Registrar.
3. The Governing Body  
NIMHANS, Hosur Road  
Bengaluru-560 029.  
Rep., by its President.
4. The Director  
NIMHANS, Hosur Road  
Bengaluru-560 029.
5. Sri.Praseed Kumar  
Chief Administrative Officer  
NIMHANS, Hosur Road  
Bengaluru-560 029.

...Respondents

(By Advocates Sri M.V.Rao for R1, Sri K.Prabhakar Rao for R2-4 & Sri Subba Rao for R5)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The case of the applicant is that she joined the service of the 2<sup>nd</sup> respondent/National Institute of Mental Health and Neuro Sciences (NIMHANS), Bengaluru on 16.11.1987 and was promoted as Manager on 1.4.2013. She was further promoted as Assistant Administrative Officer(AAO)(Gr-B) on 1.4.2016. Thereafter, she was promoted to the post of Special Officer(Evaluation)(Gr-A) on 1.4.2018 in PB-3 with Grade Pay Rs.5400(Annexure-A1). She was placed as in-charge Administrative Officer (General Administration) on 31.3.2017 and again on 31.1.2018 (Annexures-A2 & A3) and continued as such till 18.12.2018. She belongs to ST category.

2. The applicant submits that the post of Chief Administrative Officer(CAO) was created in the year 2013 which is a Group-A post in PB-3 with Grade Pay of Rs.7600 as per the Cadre & Recruitment(C&R) Rules (Annexure-A5). The feeder post for promotion to the said post is Administrative Officer(AO) in PB-3 + GP Rs.6600 with experience of five years as AO or 12 years combined service as AO/AAO or by deputation of the officers from the Central or State or Autonomous bodies. The said post had fallen vacant since 1.4.2017 due to the retirement of one Sri Shankar Sha on 31.3.2017. In the absence of any eligible candidates, one Sri G.Thanappa who was in the cadre of AAO was placed in charge of the post of AO as well as CAO until his retirement on 31.1.2018. Both these posts of AO and CAO have been vacant since long. It appears that the 3<sup>rd</sup> respondent decided to relax the C&R rules as onetime measure in order to make promotions to the posts of CAO and AO at NIMHANS due to administrative necessity. The

applicant being the senior most in the Personnel and Administrative Wing, which is the feeder division for the post of CAO, made a representation on 22.11.2018 seeking promotion to the post of CAO(Annexure-A6). The 2<sup>nd</sup> respondent vide his reply dtd.20.12.2018(Annexure-A7) stated that none of the employees of NIMHANS working in the administrative cadre including the applicant is eligible to be promoted to the post of CAO as per the existing C&R rules of the said post and if the institute wishes to decide on any criteria for considering relaxation the C&R rules for making promotion to the said post of CAO as one time measure, the same will be made applicable to all the employees uniformly. The Departmental Promotion Committee(DPC) which met on 29.9.2018 to consider the issue of filling the vacancy of CAO by promotion relaxing C&R rules as one time measure, has recommended the name of the 5<sup>th</sup> respondent for promotion to the said post on officiating basis. Accordingly, 5<sup>th</sup> respondent was promoted to the post of CAO on officiating basis with retrospective effect from 29.9.2018 as per the order issued by the 2<sup>nd</sup> respondent on 19.12.2018(Annexure-A8). The applicant has been promoted to the post of AO on the very same day i.e. on 29.9.2018(Annexure-A9) and she accepted the same with protest and reported to duty on 2.1.2019(Annexure-A10). The 5<sup>th</sup> respondent was only a Public Relations Officer(PRO) which is a Group-B post in PB-2 with GP Rs.4600 and now upgraded to GP Rs.5400 as per order dtd.15.4.2015(Annexure-A4). When the applicant sought information through RTI regarding DPC proceedings dtd.29.9.2018(Annexure-A11), the same was refused to her by citing exemption for disclosure as per Sections 8(1) (d) & (j) of the RTI Act(Annexure-A12). The applicant was asking the details of DPC proceedings only to know as to whether her case was considered for promotion and to know the policy decision taken by the competent authority. It cannot be considered as a personal matter pertaining

to the service career of the 5<sup>th</sup> respondent. The DPC proceedings are routine and common. To cover it with veil of secrecy, amounts to infraction of her fundamental right of information. Therefore, being aggrieved by the same, the applicant has filed the present OA seeking the following relief:

- a. Quashing of the order dated 19.12.2018 made in NIMH/PER(5)/CAO-PROM/2018-19 issued by the 2<sup>nd</sup> respondent as per Annexure-A8 and, for a consequential direction to the 3<sup>rd</sup> respondent to promote the applicant to the post of CAO, considering her seniority, merit and experience, in the interest of justice, equity and good conscience.*
  - b. Issue such other appropriate writ, order or direction as this Hon'ble Tribunal deems fit to grant in the interest of justice and equity, including the award of costs for this application.*
3. The applicant further submits that as per the C&R rules, the post of CAO is a promotional post and in order to be eligible to be promoted to that post, the incumbent must have served in the branch of personnel and administration as Administrative Officer for number of years as stipulated. It is true that none of the officers in the 2<sup>nd</sup> respondent institute is eligible to be promoted as CAO as per the existing C&R Rules, but while making promotion to the said post by relaxing the C&R rules as onetime measure, the authorities are expected to consider the nearest possible and eligible incumbent having regard to the experience, merit, suitability and seniority. Any relaxation of C&R rules cannot be without any norms or rational basis. In the guise of relaxation, the basic tenets of recruitment rules cannot be flouted or discarded. The DPC is bound by such policy decision, if any, taken by the competent authority. Otherwise, the DPC is not competent to take a decision either to relax the C&R rules or to promote any incumbent dehors the rules. The applicant having served as AAO, Special Officer(Evaluation) and in-charge AO, has the combined experience of almost 2 ½ years in the administrative side and she has even discharged her responsibilities as in-charge AO for almost 1 year and 9 months. On the other hand, the 5<sup>th</sup> respondent who is

now being promoted, superceding the applicant and other senior officers of the administrative wing, was only a PRO which is only a Group-B post. PRO being not a feeder post, the 5<sup>th</sup> respondent is not eligible to be promoted as CAO as per the prevailing C&R rules, irrespective of grade, merit or experience. By no means of relaxation, the 5<sup>th</sup> respondent could be promoted as CAO since he has not worked on administrative side or held any Group-A post. Whereas the applicant worked as Special Officer which is a Group-A post and now she has been promoted as Administrative Officer on regular basis. A civil servant has a fundamental right to be considered for promotion as postulated under Article 16(1) of the constitution. In the instant case, the applicant is the senior most officer in the administrative side. Therefore, taking into consideration of her experience, seniority and merit, the applicant being the nearest possible choice and eligible candidate, ought to have been considered for promotion to the post of CAO as onetime measure by the DPC. Such non-consideration is in clear infringement of her fundamental right as guaranteed under the constitution. Any promotion dehors the Rules and based on irrelevant consideration, is unsustainable. The decision to promote the 5<sup>th</sup> respondent by ignoring the seniors, who are no less meritorious is quite appalling and outrageous and any relaxation of rules cannot be devoid of criteria and seemingly to accommodate the candidates of their choice. Therefore the promotion of the 5<sup>th</sup> respondent is illegal, unreasonable and hence liable to be quashed. The applicant has produced an extract of the relevant portion of the C&R rules pertaining to the posts of AO, Special Officer, AAO and PRO at Annexure-A13. As she was not given a copy of the DPC proceedings, she is deprived of an opportunity to know as to what had transpired in the DPC proceedings. She is also not aware of the policy decision, if any, taken by the competent authority with regard to relaxation

of C&R rules. The applicant is due to retire on 31.01.2020 after 32 years of unblemished and impeccable service record in the institute. Being aggrieved by the fact that she was not considered for promotion to the post of CAO, she is challenging the promotion of the 5<sup>th</sup> respondent in this OA.

4. Per contra, the respondents No.2 to 4 have submitted in their reply statement that the 5<sup>th</sup> respondent joined the NIMHANS on 7.12.1982 as LDC as ministerial category at the Director's Secretariat to assist the Director in the day-to-day affairs of the Institute. He was promoted on 3.12.1993 as Asst.Public Relations Officer to look after general administration and this post was also under ministerial staff category. He continued to serve as Asst.PRO till 22.11.2006. Thereafter, he was promoted as PRO vide order dtd.18.11.2006(Annexure-A) and he continued in the said post till 15.4.2015. The applicant was holding the post of UDC at the time of the promotion of the 5<sup>th</sup> respondent as PRO i.e. equivalent to Asst.Administrative Officer. The 5<sup>th</sup> respondent was drawing higher basic pay than the applicant and 5 years senior than the applicant. The Promotion Committee has fixed Grade Pay of the 5<sup>th</sup> respondent as Rs.5400 on 15.4.2015 as an interim arrangement as the proposal for the creation of the post of Chief Public Relations Officer was pending with the Ministry of Finance with Grade Pay of Rs.7600(Gr.A post). The 5<sup>th</sup> respondent was the only senior most employee in the ministerial category. Since the proposal for the creation of the Chief Public Relations Officer was pending for a long period with the Union Finance Ministry, he was promoted as Chief Administrative Officer on the recommendation of DPC which was held on 29.9.2018. The said recommendation was approved by the competent authority i.e. Union Minister for Health and Family Welfare, Govt. of India and Chairman NIMHANS Society. As

on 29.9.2018, the 5<sup>th</sup> respondent is having 25 years of experience in the General Administration. The applicant joined as LDC on 16.11.1987 and almost 5 years junior throughout her career till today. The 5<sup>th</sup> respondent became Assistant PRO w.e.f. 3.12.1993 and continued till 22.11.2006 thereby completed 12 years. Whereas the applicant reached the scale of Asst.Administrative Officer on 1.4.2016. The Chief Administrative Officer post is a selection post. Since the 5<sup>th</sup> respondent was the only senior most employee in the ministerial category and has administrative experience for more than 12 years comparing to any other ministerial staff, he became eligible for CAO. The DPC has recommended the post of Public Relations Officer to the mainstream along with the ministerial category. The DPC has recommended the 5<sup>th</sup> respondent for promotion to CAO vide DPC proceedings dtd.19.12.2018(Annexure-B). Based on which, the 1<sup>st</sup> respondent has promoted the 5<sup>th</sup> respondent as CAO. It is well within the Cadre & Recruitment Rules relating to CAO(Annexure-C). And on the very same day when the DPC met on 29.9.2018, the applicant was also promoted as AO. Further, applicant is in the 4<sup>th</sup> position. By considering the seniority, other two senior officers are also promoted as AO along with the applicant. The respondents have also produced a copy of the promotion to Group 'A' ministerial post applicable to the 2<sup>nd</sup> respondent Institute dtd.6.11.2018 at Annexure-D. Since the applicant failed to make out a case that she was entitled to the post of CAO, the OA is liable to be rejected.

5. The 5<sup>th</sup> respondent has filed reply stating that he is a Graduate Degree holder with Post Graduate Diploma in Personnel Management & Industrial Relations and Post Graduate Diploma in Business Management(Annexure-R1). He was appointed to the post of LDC in NIMHANS w.e.f. 7.12.1982 and the said post is

in the Administrative Department of the Institute under ministerial category. He was promoted to the post of Assistant Public Relations Officer w.e.f. 3.12.1993 under ministerial category. He was further promoted to the post of Public Relations Officer w.e.f. 22.11.2006 in the Grade Pay of Rs.4600. Thereafter he was accorded pay upgradation promotion and was granted Grade Pay of Rs.5400. Whereas the applicant was appointed as LDC w.e.f. 16.11.1987 and was promoted to UDC w.e.f. 7.4.1997. Subsequently she was promoted to the post of AAO w.e.f. 1.4.2016. When the 5<sup>th</sup> respondent was promoted to PRO in Nov.2006, the applicant was promoted to AAO in April 2016 and both the posts are in the Grade Pay of Rs.4600. Having 12 years' service in GP 4600 from 22.11.2006 till 15.4.2015 and GP 5400 thereafter which is equivalent to that of AAO & Special Officer, his case was considered for promotion to the post of Chief Administrative Officer(CAO). The Departmental Promotion Committee(DPC) considered every one's cases including the case of the applicant, 5<sup>th</sup> respondent, Sri D.M.Prasad and Smt.B.K.Revathi. Sri D.M.Prasad and Smt.B.K.Revathi are seniors to the applicant. Since none of the said 3 candidates had put in 12 years of combined service in GP 4600 and 5400, they were promoted to the post of Administrative Officer though they were lacking the qualification. Considering better qualifications and experience of 12 years, the DPC recommended him for promotion to CAO. Despite the fact that the other 3 candidates were not eligible to get promotion to the post of AO, having regard to the service they had put in the lower cadre, as a onetime measure, their cases could only be considered for promotion to the AO post. The said promotion has been accepted by the applicant without any demur. In fact applicant is not eligible for promotion to the post of AO as she has passed only SSLC examination and has only 2 years 5 months service as AAO.



6. He submits that the Public Relations Department and the Administrative Department have been merged by the institute as one department. The Director is competent to merge the departments or the post or merge the post in other departments which are in Group-B cadre. The post of PRO is in Group-B cadre. Hence there cannot be any discrimination after the merger of the departments. Irrespective of the source from which the merger has taken place, once the merger takes place, all employees take their positions having regard to their pay and seniority and everybody is required to be treated as equal. Having regard to the said fact, the 5<sup>th</sup> respondent has been promoted to the post of CAO. The applicant is not qualified to have her case considered for promotion to the post of AO leave alone to the post of CAO. She has no locus standi to challenge the promotion of the 5<sup>th</sup> respondent. Despite that, 1<sup>st</sup> respondent decided to grant promotion to the applicant as well as others who are seniors to her in her cadre. The DPC has adopted the same yard stick and made a single consolidated recommendation. The applicant is the beneficiary of the resolution of the governing board as well as the decision of the Govt. of India vide Annexure-D of the reply. Without challenging the main order, the applicant has chosen to challenge the consequential communication. The request of the applicant to promote her to the post of CAO has been rejected vide order dtd.20.12.2018(Annexure-A7) which is not challenged by the applicant. It is thus clear that she has accepted the promotion granted to her to the post of AO. The applicant is the information officer under the RTI Act. All the documents are in her custody. If she has any inhibition, she was required to approach the Director or the Appellate Authority. If the nodal officer has failed to provide copies of any documents sought by her, she was required to prefer an appeal. This is not done

by her and hence, the contention in Annexure-A11 & 12 is devoid of merit and the OA is liable to be rejected with exemplary costs.

7. The respondents No.2 to 4 have filed additional objection statement producing the DPC proceedings dtd.29.9.2018 at Annexure-E and submitted that the President of the Institute vide his letter dtd.6.11.2018 approved the recommendations of the DPC. Thereafter an agenda on the same was placed before the Governing Body for ratification. The Fifth Meeting of the Governing Body held at New Delhi on 23.4.2019 approved the recommendations of the DPC with regard to promotion of the Ministerial Group 'A' category posts(Annexure-F). In accordance with the recommendations of the DPC which was approved by the Ministry, 5<sup>th</sup> respondent was eligible for promotion to the post of Chief Administrative Officer(CAO) which is proper and the same cannot be questioned by the applicant. The applicant is not entitled to the post of CAO. In fact Sri D.M.Prasad, Smt.B.K.Revathy and Smt.Chandramathi(Applicant) respectively are juniors when compared to 5<sup>th</sup> respondent. Hence, the applicant is not entitled for promotion to the post of CAO as claimed by her in the OA.
8. The applicant has filed rejoinder reiterating the submission already made in the OA and submits that according to the respondents, the post of PRO has been brought to the main stream along with the ministerial category and as per the recommendations of the DPC dtd.29.9.2018, the 5<sup>th</sup> respondent was promoted as CAO. But they have not produced the recommendations of the DPC for bringing the post of PRO to the realm of ministerial category or promoting the 5<sup>th</sup> respondent to the post of CAO in the statement of objection. The DPC is not competent authority to alter or amend the Cadre & Recruitment Rules which do not allow a PRO to occupy any post in the ministerial category. The service

conditions of the 2<sup>nd</sup> respondent institution are governed by the NIMHANS, Bengaluru Regulations, 2013. The powers and functions of the Director, the Chair Person of the Governing Body and the institute are stipulated under Schedule-I to the Regulations. As per the columns 63 and 64 to the Schedule, the power of prescribing the C&R Rules and power to promote to Group-A post is exclusively vested with the Governing Body. Therefore, the contention of the respondents that the DPC has recommended for bringing the post of PRO to mainstream under ministerial category is untenable as the DPC has no power to do so. The post of PRO cannot be brought in to the ministerial category without amending the C&R Rules. The applicant is the senior most in the administrative cadre in the ministerial category and she has rendered service as Special Officer, a Group-A post in GP 5400 since 2.4.2018 and has now been appointed as AO. The 5<sup>th</sup> respondent being a PRO, not being in the administrative side and without experience in the administration is not competent. She produced seniority list and relevant portion at Annexure-A13.

9. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. The respondents have produced the original DPC file. From the service records of the applicant and the 5<sup>th</sup> respondent, it is seen that the 5<sup>th</sup> respondent joined the service of the respondents as LDC w.e.f. 7.12.1982, was promoted to the post of Assistant Public Relations Officer w.e.f. 3.12.1993 and was further promoted to the post of PRO w.e.f.22.11.2006 in the Grade Pay of Rs.4600 which is equivalent to the Grade Pay of Asst.Administrative Officer. Thereafter in 2015, he was given the upgraded Grade Pay of Rs.5400. It is not in dispute that the applicant joined the service of the respondents on 16.11.1987 i.e. 5 years later than the 5<sup>th</sup> respondent as LDC

and was promoted to the level of Asst.Administrative Officer on 1.4.2016. She was further promoted to the post of Special Officer(Evaluation) w.e.f. 1.4.2018 with Grade Pay of Rs.5400. The main contention of the applicant is that she has all along been on the administrative side and the 5<sup>th</sup> respondent who was in the Public Relations Department has been promoted to the post of Chief Administrative Officer(CAO) without him having the necessary qualification for being appointed to that post. As per the Cadre & Recruitment(C&R) Rules of the respondents vide Annexure-C, to be promoted to the post of CAO, the person must have 5 years of regular service as Administrative Officer in the GP of Rs.6600 or 12 years of combined service as Administrative Officer/AAO in the GP of Rs.6600/4600. The feeder category for the said post of CAO is Administrative Officer in the Pay Band-3 with Grade Pay of Rs.6600. There is no dispute regarding the above. It is also not in dispute that the 5<sup>th</sup> respondent has been in the Grade Pay of Rs.4600 from 22.11.2006 till 15.4.2015 and thereafter he was given the Grade Pay of Rs.5400. In other words, even though the Cadre & Recruitment Rules specify a Grade Pay of 6600/4600 with the combined service in these two levels of pay, the 5<sup>th</sup> respondent had been in the GP of 4600/5400 since 2006. At the time of his promotion w.e.f. 29.9.2018, he had 11 years and 10 months of combined service in the Grade Pay of Rs.4600/5400. The 5<sup>th</sup> respondent as well as the respondents claim that the Public Relations Department and the Administrative Department have been merged by the Institute as one department. The applicant is questioning the same since the Cadre & Recruitment Rules have not so far been amended by the Governing body which is competent to prescribe any changes in the Cadre & Recruitment Rules. She also would state that the DPC does not have the power to order for such merger. She is therefore challenging the very concept of the merger of the

two departments of Public Relations and the Administration and says that the merger has not taken place and the respondents have to produce the necessary documents for having done so. At this point, it is also curious to note that the respondents had originally wanted to create a post of Chief Public Relations Officer(CPRO) and since the proposal for the creation of CPRO was pending with the Union Finance Ministry for a long period, the 5<sup>th</sup> respondent was promoted as CAO on the recommendation of the DPC which was held on 29.9.2018. The respondent organisation and respondent No.5 have also pointed out that apart from respondent No.5 having more than 5 years of extra service compared to the applicant, he had also the combined experience in the higher grade post of Rs.4600 and Rs.5400 for almost 12 years and that he is a graduate with two Post Graduate Diplomas whereas the applicant had only passed SSLC examination and further even as AAO, she had only 2 years and 5 months' service. The respondents would also state that she was not having the requisite service even for being promoted as Administrative Officer which however was given to her with effect from September 2018 and there are two more persons senior to her in the same cadre who have also been promoted w.e.f. 29.9.2018. The respondents have also pointed out that the applicant has not challenged the DPC proceedings of 29.9.2018 from which flowed the further consequential order of promoting the 5<sup>th</sup> respondent as CAO vide Annexure-A8. The respondents point out that this has not been done by the applicant because she is also a beneficiary of the same DPC proceedings of September 2018. They have cited the judgment of the Hon'ble Apex Court in *Amajeet Singh Vs. Devi Charan* [2010(1)SCC 417] para 28 to 31 wherein the Hon'ble Apex Court ordered that challenging the consequential order without challenging the basic order is not permissible. They have also cited several other Apex Court judgments viz.

*Dr.N.C.Singhal vs. UOI [1980(3)SCC 29]* (para 21), *UOI Vs. N.Y.Apte [1998 (6) SCC 741]* (para-6) to buttress their arguments that the applicant not being qualified even for the post of Administrative Officer cannot claim that she is the senior most person for being considered for the post of CAO and even if any adverse order is passed against the respondents, she will have no rights to claim promotion for the said post as she is less qualified than the 5<sup>th</sup> respondent in all respects. They would also like to urge at equating posts on the basis of longer experience in lower post is not irrational or bad and is well within the domain of the rule making authority as ordered vide *Union of India v. N.Y.Apte[(1998) 6 SCC 741]*. The first point we have to clear is that the applicant does not have any right to claim precedence over the 5<sup>th</sup> respondent. She has 5 years less service, is not a graduate and she has only 2 years and 5 months service in the category of post which is 2 levels below the CAO and that her promotion to the level of Administrative Officer itself is only with a certain measure of generosity since she was not qualified to hold that post. The only point in her favour is that apparently she has all along been in the administrative side whereas the 5<sup>th</sup> respondent is from the public relations side. The 5<sup>th</sup> respondent has been chosen after following the due process through DPC which has also been subsequently approved by the governing body of the respondent organisation which is the competent authority for ordering promotions to the Group-A posts. The only lacuna we find in the promotion given to the 5<sup>th</sup> respondent is that there is no evidence either in the DPC proceedings or otherwise regarding the merger of the two streams of public relations and the administration. The Cadre and Recruitment rules prescribe 12 years combined service as AO/AAO only with the GP of Rs.6600/4600. No doubt the 5<sup>th</sup> respondent has combined service of two months short of 12 years in the GP 4600/5400(not GP 6600 as per the C&R Rules).

However, he has not been an Administrative Officer and going strictly by the C&R Rules, he should not have been promoted as CAO unless the two streams had been merged as per the rules with the approval of the governing body. The respondents themselves state that since they could not promote him as CPRO which is pending with the Finance Ministry, they have promoted him as CAO. This displays a touch of bias on the part of the respondents in promoting the 5<sup>th</sup> respondent as CAO. We, therefore, direct the respondents to keep Annexure-A8 in abeyance till such time they are able to regularise the appointment of the 5<sup>th</sup> respondent as CAO. We are not aware whether there is any provision in the C&R Rules which will enable them to do so. However, since the 5<sup>th</sup> respondent has been officiating in the said post with effect from September 2018 and the same has also been approved by the governing body of the respondents, it is up to them to regularise the appointment which can only be deemed to be irregular as per the current Cadre & Recruitment Rules. However, this does not help the applicant. Accordingly, we are dismissing the OA since the applicant does not have any better claim for being appointed as CAO and in fact she does not have even the required minimum service for promotion which has been given to her in September 2018.

10. The OA is disposed of with the above orders. No costs.

(C.V.SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ps/

**Annexures referred to by the applicant in OA.No.170/00185/2019**

- Annexure-A1: Copy of the order promoting the application to the post of Special Officer(Evaluation) dtd.1.4.2018
- Annexure-A2: Copy of the order dtd.31.3.2017
- Annexure-A3: Copy of the order dtd.31.3.2018
- Annexure-A4: Copy of the order upgrading the pay scale of the 5<sup>th</sup> respondent dtd.15.4.2015
- Annexure-A5: Copy of the relevant portion of the C&R Rules pertaining to the post of CAO
- Annexure-A6: Copy of the representation of the applicant dtd.22.11.2018
- Annexure-A7: Copy of the OM dtd.20.12.2018
- Annexure-A8: Copy of the impugned order dtd.19.12.2018
- Annexure-A9: Copy of the order dtd.19.12.2018
- Annexure-A10: Copy of the duty report by the applicant
- Annexure-A11: Copy of the RTI Application
- Annexure-A12: Copy of the refusal order
- Annexure-A13: Copy of the relevant portion of the C&R rules pertaining to the posts of AAO, Special Officer, AO and Pro.

**Annexures with reply statement filed by R2 to 4:**



Annexure-A: Original Official Memorandum dtd.18.11.2006 promoting 5<sup>th</sup> respondent to the post of Public Relations Officer

Annexure-B: Copy of the DPC proceedings dtd.19.12.2018

Annexure-C: Copy of Cadre and Recruitment Rules relating to CAO

Annexure-D: Copy of the promotion to Group "A" ministerial post applicable to the 2<sup>nd</sup> respondent institute dtd.6.11.2018

**Annexures with reply statement filed by R5:**

Annexure-R1: True copies of the certificates

**Annexures with additional objection statement filed by R2 to 4:**

Annexure-E: Copy of the DPC proceedings dtd.29.9.2018

Annexure-F: Copy of the Governing Body Minutes dtd.23.4.2019

**Annexures with rejoinder:**

Annexure-A14: An extract of the relevant portion of seniority list

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