

**Central Administrative Tribunal
Principal Bench**

OA No. 3283/2019

New Delhi this the 18th day of November, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman,
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ex. Sub. Major Ashok Kumar Verma,
S/o Sh. Sher Singh,
R/o C-14, Upper Ground Floor,
Mahendra Park, Uttam Nagar,
New Delhi-59

- Applicant

(By Advocate: Mr. MA Niyazi)

VERSUS

1. Ministry of Defence,
Govt. of India,
Through Secretary,
Room No.101A,
South Block, New Delhi-11

2. Joint Secretary (Army)
Ministry of Defence (Movement)
Room No.97, South Block,
New Delhi-11

- Respondents

(By Advocate: Mr. MS Reen)

ORDER (Oral)

Justice L. Narasimha Reddy:

The applicant was working as Subedar Major in the Indian Army in the year 2016. In the Directorate General Quality Assurance (DGQA) under the Ministry of Defence, there exist the posts of Civilian Assistant Security Officer (CASO). The appointment to that post is governed by DGQA (CASO) Recruitment Rules 2001 (for short, the Rules). According to the Rules, 10% posts are to be filled up by way of promotion from the feeder category, 60% by direct recruitment and 30% posts by deputation/redeployment of ex-servicemen.

2. The respondents issued a notification dated 03.03.2016, inviting applications from Army Officers of the relevant category who have left over service of less than one year or who are scheduled to be transferred to the reserve within one year. The applicant responded to the same, and it is stated that he was also selected in the process. However, the respondents published a cancellation notice in Employment News of 14-20 September, 2019 stating that the notification dated 03.03.2016 is cancelled. Thereafter, the respondents issued a notification in the Employment News dated 14-19 September, inviting applications for three posts with the same qualifications and conditions.

3. This OA is filed challenging the cancellation notification published in Employment News of 14-20 September 2019 as well as the administrative directions taken with reference to that. The applicant also has sought directions that his case to be considered for appointment, and even in terms of fresh circular issued in September, 2019 for the said post.

4. We heard Mr. MA Niyazi, learned counsel for the applicant and Mr. MS Reen, learned counsel for the respondents.

5. Through the notification dated 03.03.2016, the respondents proposed to fill up three posts of CASO in the Pay Scale of Rs.9300-34800 with Grade Pay of Rs.4600. This is by way of deputation/re-employment of Armed Forces Personnel. It was made clear that it is only in the Armed Forces Personnel of the rank of Junior Commissioned Officer or equivalent who are due to retire or to be transferred to reserve within one year, that are eligible to apply subject, however, to their holding the prescribed qualifications. The applicant and several others

applied. By making a representation under RTI Act, the applicant secured the copies of correspondence as well as the proceedings. The interview was said to have taken place on 15.05.2018. In that, the applicant was awarded 70 marks, the highest and 8 others candidates were also awarded different marks.

6. Without finalizing the process, in pursuance of the notification dated 03.03.2016, the respondents issued the impugned notice which reads as under:-

“Employment News 14 – 20 September 2019

No.15(06)/CASO/2019-D(Mov)
Government of India
Ministry of Defence
D(Mov)

RECRUITMENT CANCELLATION NOTICE

This has reference to the recruitment advertisement for the post of Civilian Assistant Security Office published in the Employment News dated 02-08 April 2016. The aforesaid recruitment process stands cancelled due to administrative reasons.”

7. The principal challenge in this OA is to this notification. The respondents have also issued simultaneously, a notification proposing to fill up the posts in accordance with the procedure indicated earlier.

8. The selection process, in pursuance of the notification dated 03.03.2016, was completed to a substantiate extent. However, even from the extracts of the Note 5 filed by the applicant herein, it is evident that uncertainty in the entire process was looming large. That was about the identification of the competent authority. While some felt that it is Additional Secretary (JN), the others felt that it is JS(Army). In the process, nearly three years have elapsed and Joint Secretary took the view that due to time lapse, it is better that the process be initiated ab

initio. It is, in this context, that the cancellation notification was issued. The respondents immediately started the process by inviting applications in terms of the relevant rules.

9. It may be true that the applicant was selected and it was in his legitimate expectation to be appointed. At the same time, the gap between initiation of proceedings and the final decision cannot be ignored. It is not as if the Establishment is without officers. Already officers appointed through promotion and direct recruitment are working. It is only in respect of the component of the deputation/re-deployment. That has got its own typical connotation. Only those officers who are to retire within one year are eligible to apply. The three years' time, ever since the notification was issued is certainly considerable and the administrative decision was taken to initiate the process afresh. Since the applicant does not have any vested right to insist on being appointed in pursuance of the notification dated 03.03.2016, we do not find any merit in the OA.

10. Learned counsel for the applicant has also advanced the arguments as to the relevance of the conditions incorporated in the advertisement. This condition was very much there in the notification dated 03.03.2016. It is not as if new conditions were incorporated to disqualify the applicant.

11. The O.A. is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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