
(2020) 08 CAT CK 0069

In the Central Administrative Tribunal

Case No : Original Application No. 1177 Of 2020, Miscellaneous Application No. 1450 Of 2020

Neetu Sharma & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 31-08-2020

Acts Referred:

Citation : (2020) 08 CAT CK 0069

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Avnish Ahlawat, S. M. Zulfiqar Alam

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicants state that they approached this Tribunal by filing OA No.2521/2012, when they were denied the promotions to the post of Medical Lab Technologist, and that the OA was disposed of with certain directions. It is also stated that CP No.545/2014 was filed when the directions issued by this Tribunal were not implemented. According to the applicants, the respondents issued office orders dated 17.07.2015 and 10.11.2016 leading to their promotion to the post.

2. The grievance of the applicants is that though a set of Recruitment Rules (RR) was proposed in compliance with the directions issued in CP No.545/2014, the finality was not attached to it, and on the other hand, the respondents are coming forward with another set of Recruitment Rules for the year 2019, virtually undoing the benefits that accrue to them.

3. In this background, they filed this OA with a relief that

(a) to direct the respondents to finalise the proposed Recruitment Rules contained in draft dated 27.08.2018 and;

(b) to quash the proposed recruitment rules of 2019.

4. We heard Mrs. Avnish Ahlawat, learned counsel for the applicants and Shri S. M. Zulfiqar Alam, learned counsel for the respondents.

5. The applicants filed an OA seeking certain benefits in their service, and ultimately the benefit was extended to them through an office order dated 10.11.2016. It is also stated that there was a proposal for framing of Recruitment Rules in conformity with the directions issued in the OA. Though, a specific direction is sought for framing of rules in terms of the draft, we feel it a bit difficult to accept such prayer. It is for the respondents to frame the RRs. The Tribunal cannot dictate the contents thereof. In case there exists a time frame fixed by the Tribunal for preparation of such rules, the same needs to be adhered to.

6. The 2nd prayer in the OA is untenable. The reason is that the applicants can be said to have suffered any grievance if only the rule, when framed, is adverse to their interest. The question of the Tribunal interfering with the draft RRs does not arise.

7. We, therefore, dispose of the OA declining to interfere with the proposed draft RR. However, we make it clear that in case the respondents frame any rules or pass any orders adversely affecting the interest of the applicants, it shall be open for them to approach the Tribunal. There shall be no order as to costs.