

A.K. Chatterjee and another

Vs

Union of India and another

I.A.NO.6 and I.A.7 of 1990 in writ petn. No. 4532-33 of 1978

(M.N. Venkatachaliah, N.D. Ojha, J.S. Verma JJ)

13.08.1990

ORDER

1. We have heard the learned counsel for all the parties on I.A. 6 of 1990.
2. Subsequent to the interim order that we made on 22-12-1989 directing certain ad hoc promotions pending disposal of these matters, occasion has arisen to consider whether further interim directions are also required to be issued in the matter of similar ad hoc promotions to the cadre of Deputy Collectors pending disposal of the case and subject to the final result therein.
3. It is submitted by the learned Additional Solicitor General for the Union of India that about 157 posts out of the cadre strength of 284 posts of Deputy Collectors remain vacant and unfilled owing to the sendency of the litigation and that this circumstance has its own serious effect on the collection of revenue. Learned Additional Solicitor General submitted that some reasonable basis, though ad hoc and subject to the final result, requires to be evolved to fill-up these posts in the larger interests of administration.
4. It appears to us that this prayer needs to be granted. These 157 posts of Deputy Collectors are permitted to be filled up by effecting promotions on the basis of selection on merit by the constitution of appropriate Departmental Promotion Committees, so however, that out of the said 157 posts, 57 posts are filled up by officers who are promotees from the feeder line in Group 'B' posts. The list of Officers within the zone of consideration for the purpose of effectuation of the promotions, however, shall ensure that no promotee to the cadre of Assistant Collectors from Group 'B' posts will find a place in the list higher than that of an officer directly recruited who joined as Assistant Collector before such promotee. These promotions shall be purely ad hoc and shall be subject to review as a sequel to such further. or final orders that may be made in these matters. Orders of promotions shall also expressly specify that the promotions are so subject to such further or final orders.
5. This disposes of I.A. No. 6 of 1990.
6. Mrs. Shyamla Pappu, learned Senior Advocate appearing for the Superintendents of Central Excise, sought to point out that the conditions in clauses (e) , (f) and (g) of para 4 of the order dated 22-12-1989 are not being given effect to promptly. Learned additional Solicitor General while admitting that the subsequent promotions in terms of (e), (f) and (g) have not been effectuated, however, stated that the delay in this behalf is owing to the procedural formalities such as collection

of. confidential reports etc., which are required to precede the actual promotions. We direct that all the posts that have become vacant in categories (a) to (d) of para 4 of the order dated 22-12-1989 shall be filled up in accordance with the guidelines in clauses (c) to (g) of the said para 4, from the corresponding sources set out in those clauses within one month from today. We also direct that in future if any of the posts so fall vacant they shall, correspondingly, be filled up within two months from the date of the posts so falling vacant. These promotions shall also be subject to any further interim or final orders that may be made.

7. There has been some grievance that the promotions from the Junior Time Scale in the Cadre of Assistant Collectors to the Senior Time Scale have not been done. It is also necessary to direct - we do so accordingly that if any promotee-officer in the cadre of Assistant Collector has completed 4 years of service, whether regular, temporary or ad hoc, he be given the Senior Time Scale with effect from the date on which he or she, as the case may be, has completed the required service of four years as prescribed.

8. I.A.7 does not survive as the period of extension prayed for has itself expired.

Order accordingly.

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