

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 30045 of 2018 (O&M)
Date of Decision: 28.11.2018

Union of India and ors.

.. Petitioners

vs.

Ashok Kumar and anr.

.. Respondents

Coram: Hon'ble Mr. Justice Rajiv Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Namit Kumar, Advocate
for the petitioners.

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Rajiv Sharma, J.

The petitioners have sought judicial review of the order dated 19.01.2015 rendered by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No. 060/00767/2017.

The brief facts necessary for the adjudication of the petition are that the private respondent was promoted to the post of LDC vide order dated 31.07.1997. Thereafter he was appointed as Care Taker vide order dated 05.02.2013. He was also promoted as Upper Division Clerk on ad hoc basis w.e.f. 1.3.2017.

The case of the private respondent for the post of Care Taker was considered as per the old recruitment Rules superseded by the new Rules, called the Central Administrative Tribunal (Group 'B' and 'C' Miscellaneous Posts) Recruitment Rules, 2015. Thereafter the Central Administrative Tribunal (Group 'B' and 'C' Miscellaneous Posts) Recruitment Rules, 2015(hereinafter called 'the Rules') came into force.

It is not in dispute that the post of Care Taker was available before the promulgation of the new Rules in 2015.

It is settled law that the old vacancies are to be filled up as per the old recruitment Rules and the new vacancies are to be filled up as per the amended Rules as per the judgment in the case of **Y.V. Rangaiah V. J. Sreenivasa Rao , P. Ganeshwar Rao Vs. State of A.P. AIR 1983 SC 852.**

Learned counsel for the petitioners has also vehemently argued that the private respondent cannot be ordered to be absorbed since his appointment was only on the basis of deputation. The law is that a person cannot be deputed on deputation in the same department

There is no irregularity or illegality in the impugned order.

Accordingly, the writ petition is dismissed.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

28.11.2018
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No