

Hindustan Times

No change in officer-civilian mix in military engineering: Delhi HC

Military Engineering Services (MES), one of the oldest and largest government infrastructure development agencies in India, will continue to have fixed posts and cadres for army officers, the Delhi high court has ruled, dismissing a plea of an association representing civilian officers of MES.

MES has both military and civilian officers. It was originally set up with in 1923 during the British rule and celebrates its 94th MES Day on Monday. With an annual budget of over Rs 15,000 crore, MES provides round the clock engineering support to the armed Forces.

Traditionally, the proportion of army officers at MES was left to exigencies of the times while the civilian component was guided by rules laid down in 1959, which set guidelines on sources of recruitment and promotional criteria.

However, in 1989 the government brought in a regulation fixing the number of army officers in the MES at the officers level and other subordinate levels. These regulations were later supplemented by a rules laid down in 1991, which created the Indian Defence Service of Engineers (IDSE) — the civilian component of MES.

Members of the IDSE are selected through the Indian Engineering Services Examination conducted by UPSC every year.

Two years back, an association of IDSE moved the high court challenging the 1989 regulations saying that it has adversely affected conditions of service for its officers in MES. It also contended that MES could not have been restructured by the government by framing them under the Army Act, 1950.

A bench of Justice S Ravindra Bhat and Justice Deepa Sharma, however, dismissed the petition saying that the 1989 regulation was an improvement over the prevailing rules.

“By statutorily earmarking the number of posts and cadres, definiteness as to where army officers could be posted, was imparted. Hitherto such certainty did not exist,” the bench said.

“Neither army officers could claim more than what was provided in the regulations, nor could the army post such officers, in excess of such defined cadres”.

The court also noted that the IDSE association have not been able to demonstrate how their accrued or vested rights have been adversely affected because of the change in the rules.

It further said that nearly 20 years ago, the officers of the IDSE had challenged the regulation before the Central Administrative Tribunal, but was turned down. A subsequent challenge to the verdict was rejected by the Supreme Court in 1997.

The court said that historically, MES has had a composite character and the 1989 regulations brought “an element of definiteness and finality’ to its cadre structure”.