

**DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
GOVERNMENT OF NCT OF DELHI
1ST FLOOR, MAHARANA PRATAP ISBT BUILDING,
KASHMERE GATE, NEW DELHI-110006**

DWCD-M021/5/2025-ADMIN-DWCD 1231

Dated: 18/2/26

ORDER

In compliance of Order dated 21.01.2026 passed by the Hon'ble CAT in OA No. 3278/2025 titled "Ritu & Ors. Vs. GNCTD & Ors."

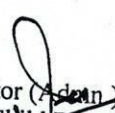
WHEREAS, by filing the aforesaid Original Application, twenty (20) officials working as Supervisor (Women), Grade-II under the Integrated Child Development Services (ICDS) raised various service-related grievances, The Hon'ble Central Administrative Tribunal, after due consideration of the pleadings, documents and submissions advanced by both sides, disposed of the Original Application vide order dated 06.01.2026, and directed the respondent-Department to pass a reasoned and speaking order, without granting any substantive relief.

AND WHEREAS, the Hon'ble Tribunal has categorically and unequivocally upheld the statutory character and continued validity of the applicable Recruitment Rules, and has expressly recognized that matters relating to cadre structuring, and prescription of promotional avenues fall exclusively within the domain of the executive, subject only to constitutional and statutory limitations, thereby negating any claim of enforceable right to accelerated promotion;

AND WHEREAS, the posts of Superintendent / Child Development Project Officer (CDPO) are governed by the Recruitment Rules notified in the year 2011, which have been framed under Article 309 of the Constitution of India and therefore possess full statutory force, and the said Rules clearly, exhaustively and unambiguously prescribe the feeder cadres, eligibility conditions and qualifying service required for promotion to the post of Supdt./CDPO, leaving no scope for any alternative interpretation or deviation;

AND WHEREAS, where an official has completed the qualifying service and fulfilled all statutory prerequisites prescribed under the said Recruitment Rules, any promotion effected pursuant thereto constitutes a lawful exercise of statutory power, immune from challenge on grounds of policy preference or comparative hardship, and the Department is neither empowered nor obliged to disturb any promotion validly made in strict conformity with the statutory Recruitment Rules;

AND WHEREAS, Recruitment Rules framed under Article 309 of the Constitution govern the conditions of service, method of recruitment and channels of promotion and have the force of law, and it is a settled and non-negotiable position of service


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jurisprudence that administrative instructions, circulars, guidelines or executive orders cannot supersede, amend, dilute or contradict statutory Recruitment Rules, nor can they be employed to create rights or obligations inconsistent therewith;

AND WHEREAS, reliance has been placed upon certain communications, guidelines and advisories issued by the Government of India, including references to Pay Commission recommendations, however it is well established that such communications are purely advisory in nature and do not, by themselves, amend, override or pre-empt statutory Recruitment Rules; a Government of India letter, in the absence of statutory backing or express adoption by the State, cannot operate as a substitute for law nor compel amendment of Recruitment Rules framed under Article 309 of the Indian Constitution;

AND WHEREAS, the Department has already completed the processing of pending Departmental Promotion Committee (DPC) cases for promotion from Supervisor (Women), Grade-II to Supervisor (Women), Grade-I in respect of those officials who fulfill the eligibility criteria prescribed under the extant Recruitment Rules 2024, thereby fully discharging its statutory obligation to consider eligible officials for promotion.

AND WHEREAS, it is categorically clarified that the posts of Supervisor (Women) Grade-II and Supervisor (Women) Grade-I are not identical. Supervisor Grade-II is a field-level, execution-oriented post involving direct supervision of Anganwadi Workers and implementation of ICDS schemes, whereas Supervisor Grade-I is a higher supervisory and administrative post involving supervision of Grade-II officers and assistance to the CDPO in planning, monitoring and coordination of programmes. This hierarchical distinction is reinforced by the Recruitment Rules, under which Grade-II is a non-selection post with partial direct recruitment, while Grade-I is a 100% promotional selection post. The nature of duties at the two levels is therefore qualitatively different, and the posts cannot be equated for any purpose, including parity, seniority or service benefits.

AND WHEREAS, It is further placed on record that out of 49 vacant sanctioned posts of Superintendent/CDPO, 20 posts under the direct recruitment quota stand deemed abolished for remaining vacant beyond five years in terms of applicable Government instructions. The remaining 29 posts under the promotion quota had remained vacant as no officer from the feeder cadre had fulfilled the prescribed eligibility conditions under the Recruitment Rules. The Department has consequently been facing a serious shortage of supervisory manpower at the project level, adversely affecting monitoring and implementation of ICDS programmes. Now that eligible officers have become available


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in the feeder cadre, promotions are being effected in accordance with the Recruitment Rules to address the urgent administrative requirement.

NOW THEREFORE, after due, careful and objective consideration of the grievances raised by the applicants, the statutory Recruitment Rules governing the service, and the directions of the Hon'ble Central Administrative Tribunal, it is conclusively determined that:

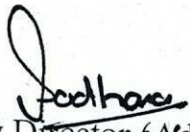
1. The Recruitment Rules governing the posts of Supervisor Gr-II, Gr-I and Superintendent / CDPO are statutory, valid, operative and binding;
2. Promotions already effected in accordance with the statutory Recruitment Rules are lawful and unassailable;
3. Communications issued by the Government of India are advisory in nature and do not override or amend statutory Recruitment Rules; and
4. The grievance relating to stagnation of Supervisor Gr-II stands adequately addressed through providing promotion strictly in accordance with the applicable Recruitment Rules 2024.
5. The Department shall ensure expeditious convening of DPCs and timely consideration of all eligible Supervisor (Women) Grade-II officers for promotion to Grade-I as per rule and vacancy positions, so that their legitimate promotional prospects under the statutory framework are not delayed.
6. It is further clarified that, as on date, no officer in the cadre of Supervisor (Women) Grade-I fulfills the prescribed qualifying service under the Recruitment Rules, 2011 for consideration to the post of Superintendent / CDPO and Supervisor Gr-I are serving the probation period as per the Recruitment Rules. This has been stated as mentioned in the table

Sr. No.	Name of Post	Appointment on Feeder post	Eligibility for Superintendent/CDPO
1.	Supervisor Gr-I	27.11.2025 (At level- 06)	After Completion of 05 Year of Service at Level- 06
2.	Welfare Officer	2020-21 (At level 06)	

This speaking order is issued to record the final and considered administrative position of the Department and to comply with the judgment dated 21.01.2026 of the


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Hon'ble Central Administrative Tribunal. The above course of action constitutes complete, bona fide and substantive compliance with the Tribunal's direction and preserves the statutory and policy domain of the Government of NCT of Delhi.


18/12/26
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Copy forwarded for information to:-

1. OSD to Chief Secretary, Govt. of NCT of Delhi, Delhi
Delhi-02
2. PS to Secretary, DWCD, ISBT Bldg., Kashmere Gate, Delhi
3. PS to Director, DWCD, ISBT Bldg., Kashmere Gate, Delhi
4. All applicants as per list enclosed
- ✓ 5. IT Branch with request to upload on the Department Website


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