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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1642/2002

Tuesday, this the 2nd day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Gautam Kumar Basu
Lab Helper Grade-III, C.C. Division
2. Rakesh Kumar
Lab Helper Grade-III Concrete Division
3. Nand Kishore
Lab. Helper, Soil-III Division
4. Mohan Singh
Lab. Helper Grade-III Store
5. Rakesh Kumar
Lab. Helper Grade-III Concrete Division
6. Madan Lal
Lab Helper Grade-II, ARO H.Q. Division
7. Om Prakash
Lab. Helper Soil-III Division
8. Raja Ram
Lab. Helper Grade-I, Store

From serial Nos.1 to 8 all working at
CSMRS, Hauz Khas, New Delhi

..Applicants

(By Advocate: Shri Sheikh Imran Alam)

Versus

1. Union of India
through Secretary
Ministry of Water Resources
Govt. of India
Shram Shakti Bhawan
New Delhi -1
2. Director
Central Soil and Material
Research Station
Hauz Khas, New Delhi
3. Secretary
Dept. of Personnel & Training
Lok Nayak Bhawan
New Delhi
4. Director (Estt.)
Ministry of Personnel
P.G. & Pension
Dept. of Personnel Training
North Block, New Delhi

..Respondents

d/w

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicants, eight in number, working as Laboratory Helpers (LHs) in Grades I, II & III in the Central Soil and Material Research Station (CS&MRS), are aggrieved by the circular dated 14.5.2002 (A-1) issued by the respondents by which applications have been invited for promoting LHs etc. to the post of Laboratory Assistant (LA) Grade III in the pay scale of Rs.3200-4900/- in the aforesaid Research Station. The ground taken is that the respondents have, in the said circular, referred to a departmental test to be held before the candidates are considered for promotion. No such departmental test has been prescribed, according to the learned counsel appearing on behalf of the applicants, in the case of LAs working in the Central Ground Water Board (CGWB). Hence, according to him, laying down of the procedure whereunder a departmental test is to be held, is discriminatory.

2. We have considered the submissions made by the learned counsel and have perused the relevant recruitment rules placed at A-2 and A-3. The rules placed at A-3 relate to LAs working in the CGWB. These do not provide for a departmental test before the candidates are considered for promotion. The rules at A-2, which relate to the CS&MRS in which the applicants are working, clearly provide for a departmental test to be held before the candidates are considered for promotion to the post of LA Grade III. Merely because the CGWB and the CS&MRS both are under the same Ministry, it does not follow that

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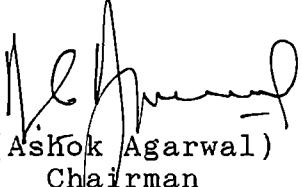
(3)

the same recruitment rules will ^{2 or must} apply in both the Organizations. Moreover, whereas the rules placed at A-3 only talk of LAs, the rules placed at A-2 refer to three different grades of LAs. Thus, in our view, the argument advanced by the learned counsel that the rules placed at A-2 are discriminatory in nature cannot be sustained on this ground alone. There would of course be several other considerations which are likely to have weighed with the respondents in framing different recruitment rules for the two Organizations in question. We need not go into that aspect *for adjudicating to OA*.

3. For the reasons mentioned in the foregoing, the present OA is found to be devoid of merit and is dismissed in limine.


(S.A.T. Rizvi)

Member (A)


(Ashok Agarwal)
Chairman

/sunil/