

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.112/2001

New Delhi, this 3rd day of December, 2002

Hon'ble Shri M.P. Singh, Member (A)
Hon'ble Shri Shanker Raju, Member(J)

Vijay Singh
Flat No.23, Kamayani Kunj
69, IP Estate Extn., Delhi .. Applicant
(Shri Shyam Babu, Advocate)

versus

1. Lt. Governor
Delhi, Raj Niwas, Delhi
through Secretary
2. Development Commissioner
Govt. of NC of Delhi
Underhill Road, Delhi
3. D.K. Thakur, Project Officer(IADP)
MSO Building, New Delh .. Respondents

(Shri Ram Kavar with Shri Madhav Panickar, Advocates)

ORDER

Shri Shanker Raju, Member(J)

Applicant is aggrieved by the order dated 15.6.99 by which Shri D.K.Thakur (Respondent No.3) has been appointed to the post of Project Officer(IADP) (PO(IADP) for short) and has challenged the order dated 11.5.2000 by which he has been informed that since there was no other promotional channel for the post of Plant Protection Officer(PPO), the said post was kept in the feeder channel of promotion to the post of PO(IADP) etc.

2. Briefly stated, the applicant was promoted as Assistant Soil Chemist(ASC) on 1.11.80 and has been working as such till now while R-3 was appointed/promoted as PPO w.e.f. 24.11.81. According to the applicant, right since 1968/69 the post of PPO added as a feeder post for promotion to the post of PO(IADP), though the

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same has not been included/clubbed, alongwith 6 other categories of posts, which are in feeder channel for promotion as PO(IADP), without any reasonable nexus with regard to the nature of duties, performance of PPO etc. Applicant has been making representation to include the post of ASC as a feeder post for promotion to the post of PO(IIADP) from 1987 onwards. By notification dated 18.2.97, the post of ASC has been included as a feeder post for the post of PO(IADP) etc. in the amended R/Rules. However, in Col.12 of the amended R/Rules the post of PPO has still been kept as a feeder post for promotion to the post of PO(IADP).

3. Thereafter, R-3 was appointed as PO(IADP) by the impugned order dated 15.6.99. Applicant made a detailed representation on 3.2.2000 in this connection which has been replied to on 11.5.2000, now under challenge. By another notification dated 14.6.2000, R/Rules for the post of PO(IADP) were further amended and despite applicant's representation the post of PPO has again been included in Col.12 of the R/Rules as feeder post for promotion to PO(IADP). Aggrieved by this, the applicant has filed the present OA.

4. Respondents have opposed the OA and have stated in their reply that R-3 was appointed as PPO on 14.12.81 on the basis of the then existing R/Rules. It is stated by them the post of PPO was included at Sl.No.IV in Column No.11 in the R/Rules notified on 25.3.69 for promotion to the post of PO. According to respondents, the post of PPO has nexus with duties and performance for the next higher promotion to the post of PO and therefore the said

post continued to remain as a feeder post for the post of PO alongwith other categories of posts in the notifications dated 25.3.69, 7.12.1973 and 14.12.1993. Vide notification dated 18.2.1997, the post of ASC and Seed Analyst were clubbed with other categories of posts of Class II gazetted but the post of ASC was never included as a feeder cadre for promotion to the post of PO. The post of PPO was an isolated one and therefore it was included in feeder line for promotion to PO. R-3 who was holding the post of PPO was promoted by the competent authorities after following due procedure and rules as were applicable in case of promotion. In view of this position, the applicant has been suitably informed by letter dated 11.8.2000 and therefore the OA be dismissed being devoid of merit.

5. We have heard the learned counsel for the parties and considered the pleadings.

6. From the material available on record we find that the post of PPO continues to be the feeder post for promotion to the post of PO(IADP) in the R/Rules framed and amended from time to time from 1969 onwards. We also find that the post of PPO is an isolated post with no promotional channel and it was rightly included as a feeder post for promotion to PO. R-3 being the only PPO available with the respondents and having become eligible for promotion in accordance with notified/amended R/Rules, he has rightly been promoted as PO. Therefore, applicant should have no grievance against R-3's promotion. By notification dated 14.6.2000, respondents have effected amendment to the R/Rules to the post of PO

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by including the post of ASC also in the feeder line for promotion. Therefore applicant's prayer for declaring the R/Rules notified on 24.9.1968 and amended from time to time is uncalled for and is not tenable.

7. Therefore, for the reasons recorded above, the present OA has no merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member(J)

M.P. Singh
(M.P. Singh)
Member(A)

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