

Central Administrative Tribunal
Principal Bench

OA 2734/2001

29

New Delhi, the 6th day of August, 2002.

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

Shri S.P.Dewett
Working as Technical Officer
Nirman Bhawan
New Delhi.

(Shri P.S.Mahendru, Advocate)

.. Applicant.

Versus

Union of India through:

1. The Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi.
2. The Director General (W)
CPWD, Govt. of NCT
Nirman Bhawan
New Delhi.

.. Respondents

(Shri M.K.Bhardwaj proxy for
Shri A.K.Bhardwaj, Advocate)

Order (Oral)

By Shri Kuldip Singh, Member (J)

The applicant has joined the service as Architectural Assistant in the pay scale of Rs.205-280/-. But after his joining service in the year 1972, the Architects Act was passed. As a consequence of implementation of the said Act by the Central Public Works Department, the cadre of Architectural Assistant was bifurcated into the following two cadres:-

i) Architectural Assistant - those who are having degree in Architecture and were registered with the Council of Architecture.



ii) Assistant (Architectural Department (in short Assistant (AD) - those who are not having degree in Architecture and also not registered with Council of Architecture.

The Applicant was one of those who was not having degree of Architecture and was also not registered with the Council of Architecture at the time when the Architectural Act was implemented in the CPWD, so the applicant was allocated the cadre of Assistant (AD). Subsequently in the year 1988 the applicant claims to have acquired the degree of Architecture in 1987 and also got himself registered with the Council of Architecture on 25.3.1988. Thereafter in the year 1994 the applicant was promoted to the post of Technical Officer which was the channel of promotion for the Assistant (ADs).

The applicant has a grievance that instead of giving him promotion as Technical Officer, he should be given promotion as Assistant Architecture. The applicant for this purpose has also relied on a letter dated 8.7.1988 issued from the Office of Directorate General of Works, CPWD whereby the applicant was told that since he had qualified the examination and got registered on 25.3.1988, therefore his request for promotion to the post of Assistant Architecture on the basis of seniority as Assistant (AD) cannot be accorded, since there is a note that seniority and promotion be given from the date of acquiring qualification and getting registered with the Council of Architecture, but thereafter no action was taken on the matter and the applicant was informed giving promotion only as Assistant Architecture. The applicant has earlier also filed OA and claims that he

JK

had withdrawn the same under the belief that the Department is favourably considering his case and he has also placed on record order on the OA which is Annexure 8. Thereafter also no promotion has been given to the applicant. So he has filed the present OA

In the ground to claim promotion as Assistant Architecture the applicant insists that since he has acquired the qualification, so he is eligible to be considered for the post of Assistant Architecture. However, on going through the Recruitment Rules which is annexed with the counter, we find that as per Column 11 of the Recruitment Rules for the post of Assistant Architecture which provides the mode of recruitment as 25% by promotion failing which by Direct Recruitment, the direct recruitment is made through interviews by the UPSC. In the column 11 it is mentioned about the eligible the feeder cadre for promotion which is as below:-

i) Chief Architectural Assistant with 2 years regular service in the grade.

ii) Failing (i) above Chief Architectural Assistant with 8 years regular combined service as Chief Architectural Assistant and Architectural Assistant; and

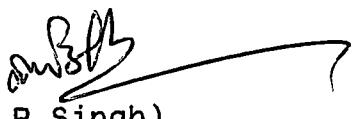
(iii) failing (i) and (ii) above Architectural Assistant with 8 years regular service in the grade.

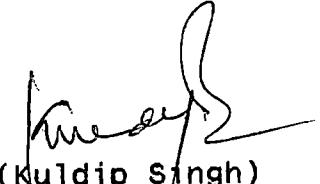
Only the above three categories are the feeder cadre which can be considered for the promotion of Assistant Architecture. Admittedly, applicant belong to the post of Assistant (AD) and not to the cadre of Architectural Assistant. The cadre of

km

Assistant (AD) is not mentioned in the column 11 of the Recruitment rules which gives detail about who could be promoted to the post of Assistant Architect. Thus the applicant is not from the feeder cadre nor he can be promoted to Assistant Architect, particularly so when a separate promotion channel is available to the person who had been allocated as Assistant (AD).

In view of the above, the OA is dismissed. No costs.


(M.P.Singh)
Member (A)


(Kuldip Singh)
Member (J)

/shyam/