

Central Administrative Tribunal
Principal Bench

(6)

O.A. No. 417 of 1998

New Delhi, dated this the 20th July 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri D.P. Gaur,
S/o late Shri D.D. Gaur,
R/o 4/9, North West Motibagh,
New Delhi-110021. Applicant

(By Advocate: Shri R. Doraiswamy
with Shri Sant Singh)

Versus

1. Union of India through
the Secretary,
Ministry of Commerce,
Udyog Bhawan, New Delhi.
2. Director General of Supplies &
Disposal,
Jeewan Tara Bhawan,
5, Parliament Street,
New Delhi-110001.
3. Shri Y.K. Pathak,
Dy. Director (WL),
Directorate General of Supplies
and Disposals,
Jeewan Tara Building,
5, Parliament Street,
New Delhi. Respondents

(By Advocate: Shri L.R. Luthra proxy
counsel for Shri Rajinder Nischal)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns the following words
occupying under Col. 4 titled "Field of selection
and minimum qualifying service for promotion" in
entries against Sl. No.5 of Schedule II to Indian
Supply Service (Group A) Rules, 1994 (Annexure A-8)

"Possessing educational qualifications
prescribed for direct recruitment into JTS
of the service".

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as a result of which he states JTS officers who do not possess Engineering Degree or its equivalent are shut out from consideration for promotion to STS and further promotions.

2. Heard both sides.

3. During hearing applicant's counsel pointed out to us that applicant's representation dated 25.11.99 (Annexure A-9) followed by several reminders had gone unrepplied to by respondents. In this connection he urged that applicant who possessed a diploma in engineering and had an excellent career record should not be denied consideration for promotion merely because he did not possess a degree in engineering particularly when the rules as framed initially did not require any qualification of degree in engineering before consideration for promotion to STS. He also stated that Rule 16 gave the authorities the power to relax the rules in respect of any clause or category of persons and in this connection relied upon the ruling in S.K. Sharma Vs. State of Punjab & Ors. 1997 (10)SCC 298 wherein in the facts and circumstances of that case it had been held that relaxation of rules even in an individual case could not be held to be illegal or arbitrary.

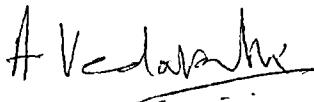
4. We dispose of this O.A. with a direction to respondents to dispose of applicant's aforesaid representation dated 25.11.99 by a detailed, speaking

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and reasoned order in accordance with rules, instructions and judicial pronouncements under intimation to applicant within three months from the date of receipt of a copy of this order. While doing so respondents will ^{also examine} ~~not lose sight of~~ applicant's prayer for relaxation of the rules, and the ruling in S.K. Sharma's case (supra) to the extent that it is applicable to the facts and circumstances of the present case.

5. If any grievance still survives, it will be open to applicant to agitate the same through appropriate original proceedings in accordance with law, if so advised.

6. The O.A. is disposed of in terms of Paras 4 & 5 above. No costs.



(Dr. A. Vedavalli)
Member (J)

karthik



(S.R. Adige)
Vice Chairman (A)