

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1775/99

New Delhi: this the 20 day of July, 2000.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A). 11

HON'BLE MR. KULDIP SINGH MEMBER (J).

Shri Parappurath Sreedharan,

S/o Late Parappurath Thaniyan,
Asstt. Armament Supply Officer,
Naval Headquarters,
DGAS/West Block No. V,
R.K.Puram,

New Delhi-66.
R/o Quarter No. G 2299,
Netaji Nagar,
New Delhi-23

.....Applicant.

(Applicant in person).

versus

1. Union of India,
through
Defence Secretary,
Ministry of Defence,
South Block,
New Delhi-11.

2. The Chief of the Naval Staff,
Naval Headquarters,
South Block,
New Delhi-11

.....Respondents.

(By Advocate: Shri K.C.D. Gangwani)

ORDER

Mr. S. R. Adige, VC (A):

Applicant seeks

- i) amendment of Annexure-III dated 9.10.97 such that the post of Asstt. Armament Supply Officer (AASO) which he is holding carries the pay scale of Rs. 7500-12000 w.e.f. 1.1.96.
- ii) to amend the RR/Promotion rules such that AASOs are directly promoted to the grade of Rs. 10,000-15200.
- iii) to fix responsibility for wilful down gradation on promotion from higher scale to lower scale of pay.

2. Heard both sides.

3. In so far as relief (ii) above is concerned, it is

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(12)

well settled that it is beyond the writ jurisdiction of the Tribunal to direct respondents to amend the Recruitment/Promotion Rules in a particular manner.

The Tribunal's writ jurisdiction is attracted only when the ^{Rules/Promotion Rules} ~~same~~ are found to be illegal, arbitrary, discriminatory and/or violative of Articles 14 and 16 of the Constitution. The decision whether to amend the Recruitment/Promotion Rules or not is a matter entirely within the executive domain. Hence relief (ii) is rejected.

4. As regards relief (i) respondents in their reply have themselves recognised that an anomaly exists in regard to the pay scale attached to the post of AASO. They state that certain proposals to remove the anomaly are under consideration, and if implemented, would remove the same. During hearing respondents' counsel Shri Gangwani stated that the removal of the anomaly would be effective from 1.1.96 itself, which would allay applicant's apprehension that if the same was removed from a prospective date, he would be denied its benefits till date.

5. Noting the aforesaid, we direct respondents to take a final decision on the aforesaid proposals as expeditiously as possible and preferably within 4 months from the date of receipt of a copy of this order. In view of the above, no orders are separately required on relief (iii) above, as nothing has been shown to us to establish that the anomaly was caused deliberately and wilfully.

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6. The OA is disposed of in terms of para 5
above. No costs.

Kuldeep Singh
(KULDIP SINGH)

MEMBER(J)

Suraj Singh
(S. R. SURAJ SINGH)
VICE CHAIRMAN(A)

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