

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2123/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 15th day of December, 2000

1. Bharatiya Krishi Karmachari Sangh
IARI, Pusa, New Delhi
through:
Jai Singh
s/o Shri Rattan Singh
r/o House No.369, Type-II
Krishi Kunj
IARI, Pusa, New Delhi.
 2. Joginder Rai,
s/o Shri Munshwar Rai
r/o House No.I-154, Chiriyia Colony
Pusa Campus, New Delhi.
 3. Ram Akwal Pandit
s/o late Shri Kuldip Pnadit
r/o House No.249, Krishikunj
IARI, Pusa, New Delhi.
 4. S.D.Ansari
s/o late Shri Bechan Ansari
r/o House No.255, Krishi Kunj
IARI, Pusa, New Delhi.
 5. Bharat Mahato
 6. Chhatter Singh
 7. Rajvir Singh
 8. Ram Lakhan Paswan
 9. Vijender Singh
 - 10.Mangu Ram
 - 11.Basudeo Poddar
 - 12.Madan Mohan
 - 13.Ram Narain Pandit
 - 14.Ram Parikchan
 - 15.Vajaipal Singh
 - 16.Satya Bhan Takur
 - 17.Pravin Prakas
 - 18.Ramvir Singh Meena
 - 19.Kamal Rajora
 - 20.Jai Singh
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21. Mahender Singh
22. Smt. Sunita Aluwalia
23. Kamal Rajora
24. Bisheshwar Prasad Bhaguna
25. Bhagwan Swarup Singh
26. Budhi Ram
27. Desh Ram
28. Upender Kapoor
29. Daya Chand
30. Bharat Singh
31. Sane Lal Ram
32. Manohar Lal
33. Hardev Singh
34. Sukhlal Das
35. Bache Singh Rajput
36. G.S. Pandey
37. Edward Turkey
38. Dayanand Deeriyan
39. Man Singh
40. Jai Singh Negi
41. Mod. Matin Ahmad
42. Prahlad Sharma
43. Ram Saggan Rai
44. Beg Pal Singh
45. Bachan Singh
46. Ram Karan
47. Sakal Deep
48. Chandran Manghi
49. Ram Bilas
50. Narender
51. Ram Kumar
52. Dev Chander Maheto
53. Ram Mehar

54. Prem Lal Shah
55. Devi Prasad
56. Bharat Singh
57. Budh Ram
58. Baby Lal Rajput
59. Ram Dhan Bhuhadia
60. Om Narain
61. Chandeshwar Poddar
62. Rattan Singh
63. Sataya Pal Yadav
64. Rameshwar Thakur
65. Narain Singh
66. Jai Narain
67. Bhog Raj
68. Nafhe Singh
69. Raghunandan
70. Dharam Singh
71. Banarsi Dass Gupta
72. Kamal Singh
73. Satpal
74. Lal Deo
75. Deep Chand
76. Bholu Ram
77. Janardhan Poddar
78. Atik Ahmad
79. Ganesh Prasad
80. Mahender Mehato
81. Kali Kant
82. Son Pal
83. Om Prakash
84. Ram Dhan Malik
85. Rajender Thakur
86. Nand Lal

87. Tara Chand

88. R.D. Mahato

89. Lakhan Pal

90. D.R. Jorwal

91. Ram Avtar

92. Jagat Singh.

... Applicants

(By Sh. C.R. Hatti, Advocate)

Vs.

1. Union of India
through its Secretary
Ministry of Agriculture
Krishi Bhawan
New Delhi.

2. I.C.A.R.
through its Secretary
Krishi Bhawan
New Delhi.

3. I.A.R.I.
through its Director
Pusa, New Delhi - 110 012.

.. Respondents

(None)

O R D E R (Oral)

By Shri Govindan S. Tampi, Member(A):

The relief sought in this OA is the promotion of the applicants, 92 in number, from Category-I (T-1-3) to Category-II as they possess the requisite qualification.

2. Applicant No.1 is an Association, Bharatiya Krishi Karmachari Sangh (through Jai Singh) and Applicants No.2 to 92 are affected individuals belonging to Category-I. Till 1975 the posts in ICAR Technical Services were graded from T-1 to T-9 wherein promotions were permitted from lower to higher grades. By the ICAR Technical Rules were put into three categories, i.e., Category-I (T-1, T-2, T-I-3), Category-II (T-II-3, T-4, T-5) and Category (T-6, T-7, T-8, T-9), with fixation of qualifications for each

category and restriction for promotion from Category-I to Category-II, among others. Qualifications for T-II-3 were gradation or ITI with five years experience or matriculation with 10 years experience in the relevant field. Expert Committees appointed by ICAR, had recommended that category bar for promotion from I to II be removed and technical personnel in Grade T-1-3 (Category I) be placed in Grade T-4 (Category II). This point was raised by the association also and finally on 4.8.1995 the category bar was removed and those in the grade T-1-3 of Category-I were placed in T-II-3 of Category-II on 8.8.1996 w.e.f. 1.1.1995. However, the applicants were not given the promotion, w.e.f. 1.1.1995 which was given to the juniors who were less qualified and who were juniors. This had happened inspite of the applicants being more qualified and have performed well. This injustice and inequity need to be undone, plead the applicants.

3. Heard the counsel for the applicants. None appears for the respondents though they filed the counter. It is pointed out by Shri C.R.Hatti, learned counsel for the applicants that though the applicants were entitled for promotion in 1995 from T-I-3 (Category-I) to T-4 (Category-II) in terms of the ICAR Technical Service Rules and they were duly qualified and having passed Matriculates and have also completed the requisite period of ten years of service, they have not been given the benefit of promotion though number of their juniors have been given the benefit. The counsel also produced a copy of the seniority list showing the names of a large number of persons below

him who have been found promoted and pleaded that their case should be favourably considered and decided upon.

4. In the counter, it is indicated that none who was junior to the applicants has been promoted. As the applicants were not eligible, they have not been promoted. The application has no merit and deserves to be dismissed, the respondents urge.

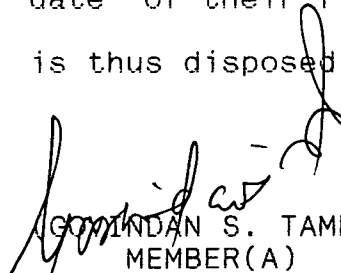
5. We have considered the arguments of the learned counsel for the applicants and also perused the pleadings on record. In terms of ICAR Technical Service Rules, 1974 which originally came into force from 1.1.1977 promotions were given on 8.8.1996 with effect from 1.1.1995 to a number of persons from T-1-3 in Category-I to T-4 in Category depending upon their educational qualifications and experience. It appears that among persons so promoted, were a few persons who were shown juniors to the applicants in the seniority list of Fieldman/Category-I (Field/Farm Technician Group), etc. It is only just and fair that the applicants cases should also have been considered depending on their suitability. It is also seen for promotion on 12.3.1998 and 6.5.1998 but to no avail. Non-consideration of their case was unjustified.

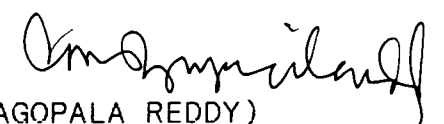
6. In view of the above, we are ~~therefore~~ disposing of this OA with a direction to Respondents No.2, i.e, ICAR to examine the issue once again in the light of the representations, already made by the Association on 12.3.1998 and 6.5.1998, and if found that anybody juniors to the applicants have been

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promoted to T-4 in Category II in accordance with the ICAR Technical Service Rules w.e.f. 1995 consider the cases of the applicants also for the said promotion, within three months from the date of receipt of a copy of this order. The promotions shall be from the date on which the juniors have been promoted. This promotion from T-I-3 in Category-I to T-4 in Category-II shall be notional, and the applicants would be entitled for arrears only from 12.3.1998, the date of their first representation. The application is thus disposed of. No costs.


(G.INDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

●/RAO/