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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.340/1999

New Delhi, this 10th day of November, 2000

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

Vijay Kumar Saxena  
39/21, Old Rajender Nagar  
New Delhi

.. Applicant

(By Shri U.Srivastava, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Agriculture & Irrigation  
Krishi Bhavan, New Delhi
2. Under Secretary  
Deptt. of Personnel & Training  
New Delhi
3. General Manager  
Delhi Milk Scheme  
New Delhi

.. Respondents

(By Shri Gajender Giri, Advocate)

ORDER(oral)

By Shri Kuldip Singh


The applicant in this OA seeks promotion to the post of Assistant Chargeman (Refrigeration) instead of filling up the post by direct recruitment as resorted by the respondents who have already released advertisement in the Employment News in January, 1999. The contention of the applicant is that the respondents should have first resorted to promotion quota instead of direct recruitment quota.

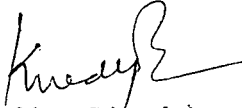
2. Respondents have contested the OA stating that the post of Assistant Chargeman can be filled up by direct recruitment also in case eligible candidates from the feeder cadre of Mechanics are not available to fill up the post on promotion quota, as per the recruitment rules. Learned counsel for the respondents submits that the applicant has <sup>no</sup> locus standi to be considered for

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promotion as he is working only as Fitter and not Mechanic. Learned counsel <sup>for applicant</sup> also brought to our notice of the order dated 26.9.94 in OA 935/1990 filed by the applicant earlier to consider him for the post of Mechanic (Refrigeration). A perusal of para 5 of the judgements shows that the applicant was appointed as Fitter and merely because he has certain educational/technical qualifications required for the post of Mechanic (Refrigeration) cannot automatically make him eligible for the post of Mechanic. Since the applicant is not in the feeder cadre of Mechanic and no person in that feeder cadre is available the respondents have resorted to direct recruitment quota as per the recruitment rules.

4. Shri Srivastava, learned counsel appearing for the applicant submits that though the applicant is working as Fitter the respondents are taking from him the work of Mechanic and therefore he has a right to be considered for promotion to the post of Assistant Chargeman. Merely doing the work of Mechanic does not make him eligible to be considered for promotion to the post of Assistant Chargeman. The applicant <sup>being a fitter</sup> is not in the feeder cadre of promotion to the post of Assistant Chargeman. Therefore we cannot find fault with the action of the respondents. The OA fails and is accordingly dismissed. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(JO)