

(a)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 740/98  
MA No. 719/98

New Delhi, this the 24th day of December, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

1. Shri Banshrai,  
S/o Sh. Kewal Hari,  
R/o H.No. 634, Gali No. 38,  
Omkar Nagar,  
Tri Nagar,  
Delhi-35.
2. Shri Raj Ram,  
S/o Shri Chand,  
R/o A-1D, Pandav Nagar,  
New Delhi-8.
3. Shri Shishpal,  
S/o Sh. Chattar Singh,  
R/o D-4/202, Rohini,  
Sector 20, Delhi-41.
4. Sh. Savraj Kumar,  
S/o Sh. Umar Singh,  
R/o C-9/504, Sultanpur,  
Delhi-41.
5. Sh. Sumanpal,  
S/o Sh. Gopal Singh,  
A-94, Vijay Vihar,  
Near Rohini, Sector-4,  
Delhi.
6. Sh. Jagdish Chand,  
S/o Sh. Hari Ram,  
R/o 2132/A19, Prem Nagar,  
New Delhi-8.  
Near Railway Colony.
7. Sh. Manorath Prasad,  
S/o Sh. Thagiram,  
R/o H-61, DMS Colony,  
Shadipur Depot,  
New Delhi.
8. Sh. Karpath Singh,  
S/o Sh. Ram Dass,  
R/o B-2507, Gali No.21A,  
Baljeet Nagar, Delhi-8.
9. Sh. Sunder Lal,  
S/o Shri Ram Prasad

24.12.98

10. Sh. Prem Chand,  
 S/o Shri Ram Prasad,  
 R/o D-4/202, Rohini,  
 Sector 20,  
 Delhi-41. .... Applicants.

All discharging the duties as Mate in  
 Delhi Milk Scheme, West Patel Nagar, New Delhi.

(through Satya Mitra Garg,  
 Advocate on Record,  
 113-C, LIG Flats,  
 Jhandewalan, Near Motia Khan,  
 New Delhi-110055)

(By Advocate: Sh. S.M.Garg)

Vs.

1. Union of India  
 through the Secretary,  
 Ministry of Agriculture,  
 Shastri Bhawan,  
 Rafi Marg,  
 New Delhi.

2. Delhi Milk Scheme,  
 through its General Manager,  
 West Patel Nagar,  
 Shadipur,  
 New Delhi.

.... Respondents.

(By Advocate: Sh. Mohar Singh)

#### O R D E R (ORAL)

delivered by Hon'ble Shri T.N.Bhat, Member (J)

Heard the counsel for ~~the~~ both parties for  
 final disposal of the OA at the admission stage itself.

According to the learned counsel for the applicant the  
 facts of this case are covered by an earlier judgment of  
 this Bench in Vijay Pal Singh & Ors. vs. UOI & Ors.  
 (OA-2987/97) dated 4.9.98, a copy of which is annexed as  
 Annexure-6 to the rejoinder affidavit.

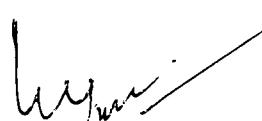
2. The learned counsel for the respondents, on  
 the other hand, states that the applicants are working  
 only as Mates and they do not come in the zone of  
 consideration for promotion to the post of Heavy Vehicle  
 Drivers and that they are neither fit nor eligible for the  
 same.

*hjw*

3. We notice that a similar contention had been raised by the respondents in OA-2987/97 and the contention was repelled by us. We further notice that as in the aforesaid case so in the instant case it was admitted by the respondents that the applicants had been discharging duties of heavy vehicle drivers in cases of emergency though it is stated that they have not been working as drivers continuously.

4. The main plea raised by the respondents is that according to the recruitment rules semi-skilled persons can be considered only against the 'direct recruitment quota for appointment as heavy vehicle drivers and they cannot claim promotion, as the channel of promotion to the post of heavy vehicle drivers is not open to them. But on identical grounds, we had held in OA-2987/97 that in the facts and circumstances of that case the Mates are entitled to be considered for promotion to the post of heavy vehicle drivers provided they are found fit and eligible. The applicants herein are also similarly situated.

5. Therefore, in line with the above judgment, we allow this OA to the extent of directing the respondents to consider the cases of the applicants also for promotion to the post of heavy vehicle drivers provided they are found fit and eligible. We further

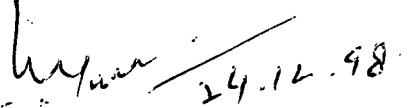
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direct that this order shall be implemented within 4 months from the date of receipt of the copy of this order.

6 With this order the OA is disposed of. No costs.

  
( S.P. BISWAS )

Member (A)

  
24.12.98

( T.N. BHAT )  
Member (J)

'sd'