

Central Administrative Tribunal  
Principal Bench

O.A.No.299/95

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Hon'ble Shri R.K.Ahooja, Member(A)  
Hon'ble Shri S.L.Jain, Member(J)

New Delhi, this the 10th day of March, 1999

1. A.N.Rudola, s/o Shri S.N.Rudola  
r/o 547 Lodhi Road Complex  
New Delhi - 3.
2. Alex Toppo, s/o Shri Rajalius Toppo  
B-10, Molar Band Ext.  
New Delhi - 62.
3. N.P.Sati, s/o Shri Chakar Dhar Sati  
r/o H.No.101, Sec.VII, Pushp Vihar  
New Delhi - 17.
4. Bhupinder Singh, s/o Shri S.Maugans Singh  
r/o BA-125B, Janakpuri  
New Delhi - 58.
5. Deep Chand, s/o Shri Bhichha Ram  
R/o Vil. & P.O. Nayaphgarh  
Delhi - 43.
6. Baram Singh, s/o Sh. Sumer Singh  
R/o GI/713, Sarojini Nagar  
New Delhi - 23.
7. Sh. N.K.Kalara, s/o Sh. P.D.Kalra  
IMS., DOT, Ghatorai  
New Delhi-30. ... Applicants  
(By Shri S.K.Gupta, Advocate)

Vs.

Union of India through

1. The Secretary  
Ministry of Communication  
Govt. of India, Sanchar Bhawan, Ashoka Road  
New Delhi.
2. Shri K.K.Debey  
Technical Asstt. Grade II  
Monitoring Head Quarters  
Third Floor, E Wing Pushpa Bhawan,  
New Delhi. ... Respondents  
(By Shri S.M.Arif, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicants before us are Technicians Gr.I in the Department of Telecommunication in the Grade of Rs.1400-2300. They submit that their next promotion is to the rank of Technical Assistant Gr.I in the pay scale of Rs.1640-2900. At present there are two feeder

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categories for promotion to the Grade of Technical Assistant, namely, Technician Gr.I and Technical Assistant Grade-II, both the categories, being in the grade of Rs.1400-2300. The applicants grievance is that as per the amended recruitment rules for filling up the post of Technical Assistant Grade-I the ratio of promotions from two categories are one Technician against 14 Technical Assistant Grade-II. They submit that there are 60 vacant posts of Technical Assistant Grade-I available but if the posts are filled up by promotion as per the existing recruitment rules the last promoted from Technician Grade will be one who joined service on 22.9.1980 while from the Technical Assistant Grade-II the junior most will be one who joined on 7.12.1987. They submit that they had filed a number of representations against this iniquitous promotion rules but their representations have not been considered by the respondents. They have now come before the Tribunal with a prayer that the existing ratio of promotion quota between the Technical Grade-I and Technical Assistant Grade-II be quashed and the respondents be directed to consider both the feeder categories of promotion on the basis of their date of joining in the feeder cadre.

2. The respondents in their reply have stated that the recruitment rules were amended from time to time and last amendment had taken place in 1975. They submit that if the applicants were aggrieved by the amendment in 1975 then they should have agitated the matter in good time. They further state that the present recruitment rules have been framed taking into consideration of various factors such as technical qualifications, length of service, etc. in the feeder grade and above on the

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strength of the respective grades and also after consulting DoPT and UPSC. They however state that since representations were received from the applicants and other similarly situated persons the case for further amendment of the recruitment rules is under process and under consideration and while doing so all matters and aspects for filling up of the post of Technical Assistant Grade-I shall be taken into consideration.

3. We have heard the counsel. Shri S.K.Gupta, learned counsel for the applicant has cited the following Supreme Court's judgments:

a) Raghunath Pratap Singh Vs. Secretary (Home), Police, 1988 (Supl.) SCC 519.

b) CSIR Vs. K.G.S.Bhal, 1989 (4) SCC 635.

c) Dr. (Mrs.) O.Z.Hussain Vs. UOI & Others, 1990 (Supl.) SCC 688.

4. In which it was held that it is in the interest of morale and efficiency in the services to provide for promotional avenues. We find that the applicants herein are not without an opportunity for promotion but their grievance is that they are being discriminated against vis-a-vis those who are in the other feeder cadre, namely, Technical Assistant Grade-II. However, as pointed out by the learned counsel, there is a sizable variation in the length of service required for promotion from two grades inasmuch as in the grade of Technician the approximate length of service required for promotion would be 16 to 17 years while in the Technical

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Grade-II it would be approximately 5 years less. We are conscious of the fact that this situation can change from time to time depending on the strength of the feeder cadres and also the number of vacancies available for promotion. The respondents themselves have stated that taking into account such considerations they have already, in the past, amended the recruitment rules at least on two occasions.

5. As regards the representations filed by the applicants, they have stated that the matter is under consideration. It is also submitted by Shri S.M.Arif, learned counsel for the respondents that the respondents had set up a Committee to consider this question and recommendations of that Committee have also since been received.

6. It is not possible for the Tribunal to go into the relative strength of the cadres and technical and educational qualifications and other relevant considerations to decide as to what proportion should be found between two cadres. This is a matter very much within the domain of an expert body or of executive policy. Nevertheless since there does appear to be some ground for reconsideration and also since the respondents themselves say that they propose to amend the recruitment rules, we dispose of this OA with a direction that the respondents will complete the reconsideration for amendment as stated in para 5.1 of the counter reply within a period of six months from the date of receipt of a copy of this order. The applicant will also be informed of the result thereof within a month thereafter.

S.L.Jain  
(S.L.Jain)  
Member(J)

/rao/

R.K.Ahooja  
(R.K.Ahooja)  
Member(A)