

Central Administrative Tribunal
Principal Bench, New Delhi.

DA-1227/96

New Delhi this the 19th day of August, 1996.

Hon'ble Sh. A. V. Haridasan, Vice-Chairman (J)
Hon'ble Sh. K. Muthukumar, Member (A)

Sh. Yogender Kumar,
S/o late Sh. Sugan,
R/o 12/123, Pachkuan Road,
New Delhi-1.

Sh. Pankaj Kumar,
S/o late Sh. Yad Ram,
R/o 436, Lodi Road Complex,
New Delhi-3.

Applicants.

(through Ms. Nishi Bisaria, proxy counsel for Sh. S. K. Bisaria,
advocate)

versus

1. Union of India,
through the Secretary,
Dept. of Culture,
Ministry of Human Resources and Development,
Shastri Bhawan, New Delhi.

2. The Director-General,
National Museum, Janpath,
New Delhi.

Respondents

(through Sh. M. M. Sudan, advocate)

ORDER (ORAL)
delivered by Hon'ble Sh. A. V. Haridasan, V. C. (J)

The applicants who are group-D employees in the National Museum are aggrieved by incorporation of a condition in the Circular dated 26.02.96 issued by the respondents for promotion from Group-D post to Group-C post on a regular basis under the 10% quota reserved to be filled from Group-D employees ^{by} ~~provided~~ that such employees should have regular service of 5 years in Group-D and, therefore, have filed this application seeking that the said provision may be set-aside as arbitrary and illegal.

2. On notice Sh. Sudan appeared on behalf of the respondents. Sh. Sudan stated that the Notification was issued strictly in conformity with the provision contained in the Recruitment Rules which provide that the Group-D employees ^{should} ~~who~~ have 5 years regular service for being considered eligible for appointment towards 10% quota reserved for them in the grade of L.D.C.

3. We have perused a copy of the Recruitment Rules and we are satisfied that there is such a provision in the Recruitment Rules. The Recruitment Rules promulgated under the proviso to Article 309 of the Constitution are to be followed and, therefore, the respondents cannot be faulted for prescribing the qualification in the Notification in accordance with the provisions contained in the Recruitment Rules. We do not find anything in this application which needs further deliberation. Therefore, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.


(K. Muthukumar)
M(A)


(A. V. Haridasan)
V. C. (J)

/vv/