

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
PRINCIPAL BENCH: NEW DELHI

D.A. 1379/96

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New Delhi this the 15th day of October, 1996.

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)
Hon'ble Shri K. Ramamoorthy, Member (A)

Shri Bhagmal s/o Sh. Bansi Ram,
374/Sector - VII F, R.K. Puram,
New Delhi.+

....Applicant

(By advocate Shri Deepak Verma)

Versus

Union of India and Anr.
through

1. The Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi-110001.
2. Director,
National Crime Records Bureau,
Ministry of Home Affairs,
East Block 7, R.K. Puram,
New Delhi-110066.
3. Shri Manoj Kumar Mittal, DPA-B
National Crime Records Bureau,
East Block 7, R.K. Puram,
New Delhi-110066.

....Respondents

(By advocate Shri M.K. Gupta)

ORDER (ORAL)

BY HON'BLE SHRI A.V. HARIDASAN, V.C. (J)

The applicant who became an S.I. in the year 1987 by opting for absorption in the DCFC, now known as National Crime Records Bureau, is aggrieved by the fact that while the official respondents have promoted respondent no.3, who is junior to him, on ad-hoc basis to the post of DPA-B, he has been arbitrarily discriminated against and left out of promotion. The post of Inspector in N.C.R.B. has been redesignated as

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DPA-B and it has been assigned a new pay scale of Rs.2000-3200/-. This is the post on which respondent no.3 was promoted without considering the claim of the applicant. Therefore, the applicant prays that the order promoting the third respondent to the post of DPA-B may be set aside and respondents be directed to consider and promote him to the post of DPA-B with effect from 20.2.96.

The respondents in their reply have contended that the applicant was not promoted as he did not satisfy the requirement of the Recruitment Rules as a Degree is a necessary qualification. The third respondent, being a Graduate in Commerce, was eligible for promotion as DPA-B according to the Recruitment Rules and he has been promoted. The respondents have refused the allegation that the applicant was discriminated against.

In the rejoinder filed, the applicant has stated that Shri Shridhar Prakash who is at serial no.1 in the seniority list of Data Processing Assistant Grade 'A' as on 1.3.94 was promoted by the respondents to the post of DPA-B though he also is a matriculate and that the applicant was not considered for promotion ^{as he is a matriculate} because he did not satisfy the essential qualification prescribed in the Recruitment Rules.

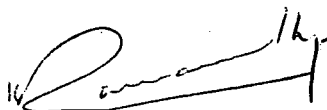
We have heard Shri Deepak Verma, Counsel for applicant and Shri M.K.Gupta, Counsel for respondents 1&2. We have also, with meticulous care, perused the pleadings and the materials on record. The case of the applicant that he has been discriminated in the matter of promotion as DPA-B in as much as Shri Shridhar Prakash, who also was a matriculate, has been met by the

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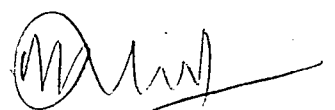
respondents in their additional affidavit wherein it has been stated that in accordance with the direction contained in the judgement of the C.A.T., Shri Shridhar Prakash, who had completed 5 years service as Sub-Inspector from the date he commenced service on deputation i.e. 10.2.82, on 10.2.87 he was considered for promotion in accordance with the provisions of the Recruitment Rules 1980 wherein there was no prescription of Graduation as an essential qualification for the post of Inspector. The Recruitment Rules was amended with effect from 31.12.88 and in accordance with the amended rules, Graduation is essential for promotion to the post of Inspector. ^{Since} the applicant completed 5 years of service after the date on which the Recruitment Rules of 1988 came into being, he is not eligible to the post of Inspector.

We find this assertion of the respondents as true and we are convinced that the applicant has not been discriminated against. According to Recruitment Rules, for promotion to the post of Inspector, an S.I. should not only complete 5 years of service but also should be a Graduate. The applicant is only ^{matriculate} matriculate. According to Recruitment Rules, he is not eligible for such promotion. The promotion of the third respondent cannot be faulted because he fulfils the eligibility criteria under the Recruitment Rules.

Under these circumstances, the application is devoid of merit and we, therefore, dismiss it at the admission stage. ^{ultra} No order as to costs.



(K. RAMAMOORTHY)
MEMBER (A)



(A.V. HARIDASAN)
VICE CHARMAN (J)