

Central Administrative Tribunal  
Principal Bench

O.A. 1098/96

New Delhi this the 18 th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri V.K. Majotra, Member(A).

Vinod Kumar Chopra,  
S/o late Shri H.L. Chopra,  
R/o B-57A, A.F. Station,  
Ajungarh,  
New Delhi.

Applicant.

(By Advocate Shri S.S. Tiwari)

Versus

1. Union of India, through  
Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. Engineer-in-Chief,  
E.N.C's Branch,  
Army Headquarters,  
Kashmere House, Rajaji Marg,  
New Delhi.
3. Office of GE (South) AF,  
Delhi Cantt-10.

Respondents.

(None present)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the action of the respondents in not considering his case for promotion or giving him weightage for experience and acquiring the higher educational qualifications for the past fourteen years.

2. The applicant joined the office of the respondents on 14.10.1977. At that time, he was possessing the qualification of three years Diploma in Mechanical Engineering. Subsequently, while working in MES, he passed the Associate Membership Examination in June, 1981 from the

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Institute of Mechanical Engineers (India), Bombay which according to him is equivalent to the Mechanical Engineering Degree recognised by the Govt. of India by letter dated 14.6.1983. Thereafter, he also passed the procedural Examination for Superintendent E/M Grade-I on 6.6.1983. According to him, necessary entries have been made in the Index Card and Service Book regarding the change of qualification from Diploma to Degree. A seniority list was circulated on 30.5.1994 in which his qualification was shown as Diploma instead of Degree. Shri S.S. Tiwari, learned counsel has very vehemently submitted that no weightage has been given to the higher qualification of the applicant, that is Degree in Mechanical Engineering which he is <sup>having</sup> ~~acquiring~~ for the past fourteen years, which is required to be given even according to the Recruitment Rules. In the written arguments submitted by the learned counsel on behalf of the applicant, he has stated that the applicant had come across the discrepancy in the seniority list dated 30.5.1995 wherein one of the persons, namely Shri P.G.S. Nair whose name figures at Serial No. 93 and was appointed as Superintendent E/M Grade-II w.e.f. 19.10.1977 had been promoted as Superintendent E/M Grade-I. He has also submitted that in the promotion order issued by the respondents on 19.9.1995, the name of Shri P.G.S. Nair appears at Serial No. 56 in the panel for promotion to Superintendent Grade-I in which the applicant's name has been wrongly omitted. His contention is that the respondents have not given any weightage to the applicant for his Degree even though he had joined as Superintendent E.M. Grade-II on 14.10.1977 which has been overlooked for

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J promotion, whereas Shri P.G.S Nair who joined on 19.10.1977 has been considered and promoted as E/M Grade-I. Learned counsel has very vehemently submitted that the action of the respondents is nothing but harassment to the applicant whose qualifications have not been correctly shown in the seniority list dated 13.5.1995. He has relied on a recent judgement of the Supreme Court in A.K. Raghumani Singh & Ors. Vs. Gopal Chandra Nath & Ors. (SC SLJ 2000(1) 1494).

3. The respondents in their reply have controverted the allegations made by the applicant. They have submitted that the applicant has not been able to point out even a single person junior to him, who has been promoted and, therefore, this benefit could not be provided to him. They have submitted that they have implemented the judgement of the Tribunal (Bangalore Bench) in OAs 1337, 1366 to 1375/94 and the monetary benefits have been given to the applicant. According to them, the letter dated 19.9.1995 which is a panel for promotion of Superintendents E/M Grade-II to Grade-I in MES is relevant and the other letter dated 4.10.1995 is not relevant as it is the panel of Superintendents B/R Grade-I. They have submitted that these letters pertain to different categories for which separate seniority lists exist and the DPCs are held according to the separate Recruitment Rules pertaining to the particular category. Hence, they have <sup>stated</sup> ~~denied~~ that the applicant's attempt to compare his case with the category of Superintendent B/R Grade-II which belongs to a different cadre, is not justified. They have also submitted that the applicant's name will be considered for promotion to Superintendent E/M Grade-I in accordance with the provisions of the Recruitment Rules.

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4. The applicant has filed a rejoinder in which he has stated that although he has put in 19 years of service, he has not been given a single promotion as per the Recruitment Rules. As mentioned above, Shri S.S. Tiwari, learned counsel had also very vehemently argued that the weightage of the higher qualification should be given to the applicant which he possesses, which has not been done by the respondents.

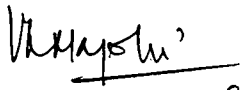
5. We have carefully considered the pleadings and the submissions made by the learned counsel for the applicant.


6. The applicant has stated that he has joined the office of the respondents as Superintendent E/M Grade-II in October, 1977. The panel for promotion of Superintendent E/M Grade-II dated 19.9.1995 is a panel for promotion of Superintendent E/M Grade-II in MES whereas the panel dated 4.10.1995 is a panel for promotion of Superintendent B/R Grade-II to Grade-I in the MES. The contention of the respondents that these two panels deal with different categories of persons, who are dealt with in accordance with ~~the~~ separate Recruitment Rules pertaining to them appears to be correct. In the relief prayed for by the applicant in the O.A., his prayer is that a direction may be given to the respondents to give weightage to him because of his possessing <sup>a</sup> Degree qualification as per the Recruitment Rules dated 21.8.1971. Learned counsel for the applicant had not pointed out the provisions of the Rule which gives him this right. The judgement of the Supreme Court in A.K. Raghumani Singh's case (supra) deals with

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the question of admission of the candidates to B.Ed course. The facts and issues in that case are distinguishable from those in the present case and the judgement would, therefore, not be applicable to the facts of the present case.

7. In the facts and circumstances of the case, we find no merit in this application. The same is accordingly dismissed. No order as to costs.

  
(V.K. Majotra) 18.7.2000  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'