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Central Administrative Tribunal, Principal Bench

Original Application No.2275 of 1997

New Delhi, this the 22nd day of May, 2000.

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

Head Constable (M.T.) Mulak Raj No.779/L,
Fitter Gr-I, Welder, S/o Shri Desh Raj, aged
about 33 years, R/o D-106, New Police Lines,
Kings way Camp, Delhi, presently posted in
Prov & Lines, Delhi.

- Applicant

(By Advocate -None)

Versus

1. Union of India Through Its Secretary,
Ministry of Home Affairs, North Block, New
Delhi.
2. Union of India, Through Its Secretary,
Ministry of Finance, North Block, New Delhi.
3. Director, Administrative Reforms Department
Government of National Capital Territory
of Delhi, 5 Shyam Nath Marg, Delhi-54.
4. Commissioner of Police, Police Head
Quarters, I.P. Estate, M.S.O. Building,
New Delhi.

- Respondents

(By Advocate - None)

O R D E R (Oral)

By V.K. Majotra, Member (Admnv) -

As both the parties and their counsel are
absent today, the case is being disposed of under Rule
15 of the Central Administrative Tribunal (Procedure)
Rules, 1987.

2. The applicant has assailed the following
orders:- (i) order dated 7.11.1996 (Annexure-A-1) issued
by the Commissioner of Police whereby the applicant has
been informed that the post of Welder category has not
been proposed to be increased and the merger of the post
of Welder has not been acceded to; (ii) order dated
20.3.1996 (Annexure-A-2) whereby the request of the
applicant regarding creation of more posts in the cadre
of Assistant Sub Inspector (Welder) and change of cadre
of the applicant has not been acceded to; (iii) order

dated 13.3.1995 (Annexure-A-3) whereby the applicant had been directed not to make a representation and the request of the applicant for promotion and change of cadre has not been acceded to; (iv) order dated 22.9.1995 (Annexure-A-4) whereby applicant's request for change of cadre has been rejected.

3. The applicant was enlisted as a Constable in Delhi Police on 3.8.1987^{8/1}. On his application and being selected for the post of Head Constable/ MT Fitter Grade-II (Welder) he was appointed as such with effect from 25.1.1989. He was confirmed in the rank of Head Constable with effect from 25.1.1991. This date was later on changed to 2.2.1991 vide order dated 10.1.1997. The applicant submitted a representation dated 12.6.1996 for promotion to the rank of ASI (Welder). His request was considered and he was informed on 22.9.1995 that under the statutory rules his request could not be acceded to. He was also informed that there is only one post of ASI (Welder) which is occupied by his senior and merger of these posts with other cadre of MT is not feasible because of the limited role of this trade in the repair/ maintenance of the vehicles. The applicant has claimed that in the cadre of Motor Mechanic, the promotion avenues are upto the rank of Inspector but in other trades including Welder there are only 9 posts out of which there are 4 Head Constables, 4 Constables and 1 Assistant Sub Inspector (Welder). The applicant made a representation seeking creation of one post of Assistant Sub Inspector in his trade. He has alleged that through a survey conducted by certain institutes 520 additional posts in various categories for the M.T. cadres were

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recommended but no additional post in Welder category was recommended due to alleged lack of work. The applicant has also complained that the respondents did not send any proposal for increasing the number of posts in the Welder trade to the Government. According to him he has been stagnating on the post of Head Constable Welder Fitter Grade-II since 1989 and has been denied his legitimate right of promotion. He has sought setting aside of the impugned orders at Annexures A-1 to A-4 and direction to the respondents to consider his case in view of management studies for forwarding the proposal to the Government in the category of Welder trade for creation of additional post in the rank of Assistant Sub Inspector, Welder Trade and other trades. He has also sought a direction to the respondents to change his cadre from Head Constable Welder M.T.Fitter Grade-II to that of Head Constable Technical under Delhi Police and to further consider him for promotion to the rank of Assistant Sub Inspector Technical.

4. In their counter the respondents have stated that the applicant was appointed as Head Constable/MT Fitter Grade-II with effect from 25.1.1989. He was confirmed in the rank of Head Constable from 2.2.1991. The sanctioned strength of the Welder cadre is ASI-1, Head Constables-4, and Constables-4. As per Rule 17A(xxv) of Delhi Police (Appointment & Recruitment) Rules, the post of ASI/MT (Welder) is to be filled up by promotion from amongst confirmed Head Constables/ MT Fitter Grade-II (Welder) with 5 years service in the grade. According to the respondents representations of the applicant for promotion to the rank of ASI Welder were considered by the competent authority and rejected

being without any merit. The respondents state that there is only one post of ASI (Welder), which is occupied by applicant's senior. They also maintained that as the Welder trade related to repair/maintenance of vehicles has a very limited role it is not possible to merge these posts with other posts. The applicant's promotion is governed by Rule 17A (xxv) of Delhi Police (Appointment and Recruitment) (Amendment) Rules, 1988. He can get promotion only in the Welder cadre as per Rule 6 of Delhi Police (P&C) Rules, 1980. According to the respondents they had assessed the requirement of MT staff and various trades through studies conducted through Begum India Consultants, National Productivity Council, Institute of Technology Management, Mussorie who submitted a comprehensive report and recommended 521 posts of various categories of MT cadre. ^{In the} On their ^{report} ~~recommendation~~ no post of ASI/ MT (Welder) was recommended keeping in view the job requirements. Thus, according to the respondents there is no justification for creation of more posts of ASI/ MT (Welder). The present strength of Welder trade is considered sufficient in view of a limited role of Welders in the maintenance of vehicles.


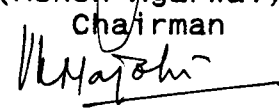
5. We have carefully perused the ^{material} ~~pleadings~~ available on record.

6. The applicant has claimed that whereas the respondents have not recommended to the Government for expansion in the Welder cadre, there is a justification for creation of more posts of ASI/MT (Welder) and also for merger of the Welder cadre with other cadres in order to enhance the avenues of promotion for the Welder cadre. The respondents have got conducted special

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studies by experts like Begum India Consultants, National Productivity Council Institute of Technology Management, Mussoorie, who submitted a comprehensive report recommending 521 posts of various categories of MT category. This expert body after assessing the work load in the Welder cadre did not recommend any increase at the level of the post of ASI/ MT (Welder). There is only one post of ASI/MT (Welder), which is occupied by a senior official than the applicant. Whereas the Government have got the data and recommendations of experts in regard to the work load vis-a-vis sanctioned strength in the welder cadre with them, the Tribunal does not have expertise to look into the question of work study and staff strength in a cadre. We have to go by the recommendations of the expert body which have given a comprehensive report and not recommended any increase at the level of the ASI/MT (Welder) in the Welder cadre. The applicant was appointed as HC/MT Fitter Grade-II Welder on his own application. He has chosen Welder cadre by his own volition and it so happens that there is not much scope for its expansion looking to the work load in the Welder cadre.

7. In view of the above reasons and discussions, we do not find any merit in the OA, which is dismissed accordingly. No costs.


(Ashok Agarwal)
Chairman

(V.K. Majotra)
Member (Admnv)