

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2605/97

New Delhi this the 2nd day of June, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
 Hon'ble Mrs. Shanta Shastry, Member (Admnv)

Shri Jagmal Singh,
 C/o Mechanical Workshop,
 East Block VI,
 R.K. Puram, New Delhi.

...Applicant

(By Advocate Shri V.K. Rao)

-Versus-

Union of India, through

1. Secretary,
 Ministry of Home Affairs,
 North Block,
 New Delhi.

2. Deputy Director (E),
 Intelligence Bureau Hqrs.
 R.K. Puram,
 New Delhi.

...Respondents

(By Advocate Shri R.V. Sinha)

O R D E R (ORAL)By Reddy, J.-

The applicant who was possessing the qualification of ITI diploma as Fitter was appointed as Senior Mechanic in the office of respondent No.2, i.e., Deputy Director, Intelligence Bureau. The Senior Mechanic has two channels of promotion. He can be promoted either to the post of Junior Intelligence Officer Grade-I (JIO-I) (Technical) or JIO-I (Workshop). These posts are filled up 100% by promotion. The eligibility for the post of JIO-I (Workshop) is Senior Mechanic with 9 years service in the grade and possessing diploma from ITI or equivalent. The eligibility for the post of JIO-I (Technical) is 5 years regular service in the grade and possessing diploma or certificate from the ITI in the trade of Radio Mechanic or Radio/TV Mechanic or Electronics or Process Camera. The applicant was promoted to the post of JIO-I (Workshop) in 1997 after he has

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undergone 9 years of service as Senior Mechanic, whereas his junior Uday Chand was promoted to the post of JIO-I (Technical) after he completed 5 years of regular service in 1994. The grievance of the applicant is that he should also have been promoted to the post of JIO-I (Technical) along with his junior. He also challenges the recruitment rules for promotion to the post of JIO-I (Workshop) and JIO-I (Technical) on the ground that they are discriminatory.

2. The respondents filed the counter and contested the case. It was averred that the recruitment by way of promotion to the cadres of JIO-I (Workshop) and JIO-I (Technical) was governed by the recruitment rules of the respective cadres. The vacancies in the grade of JIO-I (Technical) are filled up 50% by promotion of Senior Mechanics with five years regular service in the grade and possessing the diploma or certificate from ITI in the trade of Radio Mechanic, Radio/TV Mechanic or Electronics or Process Camera and 50% by Laboratory Assistants with five years regular service in the grade working in the Electronics, Photo or Chemistry Sections. The vacancies in the grade of JIO-I (Workshop) are filled up 50% by Senior Mechanics with 9 years of regular service in the grade and possessing diploma from ITI or equivalent and 50% by promotion of Electrician/Laboratory Assistant of trades Carpenter, Electrician, Painter or Decorator with 9 years regular service in the grade. It was averred that the Workshop and Technical are two distinct cadres. As such there is no comparison with regard to eligibility for promotion in these two cadres. Shri Uday Chand, junior to the applicant was possessing Electronics qualification and accordingly he was promoted as JIO-I (Technical) in



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accordance with the recruitment rules. The applicant who possesses diploma in Mechanical Fitter and as such was eligible for promotion to the post of JIO-I (Workshop) only and hence he was accordingly promoted on completion of 9 years regular service, as stipulated in the recruitment rules. It was also stated that the post of Senior Mechanic was filled up only by direct recruitment and not by promotion, as stated by the applicant in the OA.

3. Heard the learned counsel for the applicant and the respondents. We have given anxious consideration to the pleadings and the arguments advanced by the learned counsel.

4. At the outset, it has to be stated that the OA is barred by limitation. The grievance of the applicant being against the promotion of his junior Udai Chand in 1994 and as he was promoted in 1994, as stated by the applicant himself in the OA the applicant should have questioned the said promotion within the period of limitation from the date of promotion of Sh. Udai Chand. The OA is filed in October, 1997 to quash the orders dated 8.7.97 where the applicant's representation dated 17.7.97 has been rejected, stating that Sh. Udai Chand was rightly promoted in 1994 on the basis that he belongs to Electronic Trade. Thus, the OA is barred by limitation.

5. The learned counsel for the applicant contends that the applicant as well as Udai Chand his junior being in the Senior Mechanic Grade could not have been discriminated for promoting them to the higher posts and hence the recruitment rules are violative of Articles 14 and 16 of the

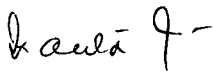
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Constitution. We do not find any substance in this contention. As narrated supra, the two posts of JIO-I (Technical) and JIO-I (Workshop) are in two different classes and hence the rules provided for different eligibility criteria. They are not comparable posts. Both the posts are in two different trades and the authorities concerned depending upon the requirements necessary for the posts in each trade or cadre, have framed the recruitment rules and it cannot be said that the recruitment rules are discriminatory. It is not as if there is no classification or differentiation between the two posts. In the circumstances it cannot be said that the rules are violative of Articles 14 and 16 of the Constitution.

5. It is not in dispute that the applicant was appointed in 1997 by promotion after he completed 9 years of service and that he was not eligible for promotion to the cadre of JIO-I (Technical) in 1994. In the circumstances, he cannot have any grievance against the promotion of his junior in 1994.

6. The OA, therefore, fails and is accordingly dismissed. No costs.


(Smt. Shanta Shastry)
Member (Admnv)

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(V. Rajagopala Reddy)
Vice-Chairman (J)