

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.2832/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 20th day of July, 2000

Shri Sridhar Prakash  
working in the office  
of National Crime Records Bureau  
East Block-7, R.K.Puram  
New Delhi - 66. ... Applicant

(None)

Vs.

1. Union of India through  
Secretary  
Ministry of Home Affairs  
North Block  
New Delhi.
2. Director  
National Crime Records Bureau  
East Block 7, R.K.Puram  
New Delhi - 66. ... Respondents

(By Shri A.S.Singh, proxy of Shri R.V.Sinha, Advocate)

O R D E R (Oral)

By Justice Rajagopala Reddy. J.

The only grievance of the applicant in this case is that he should have been promoted to the post of Junior Staff Officer (in short JSO) on ad hoc basis as he was senior to the other employees holding DPA Gr.B post.

2. The applicant was initially working as Inspector but on the rationalisation of the posts, the designation of the post was altered as DPA Gr.-B. By order dated 13.8.1997, the respondents promoted some persons who were juniors to the applicant to the post of Junior Staff Officer (for short JSO). In response to the applicant's representation dated 28.8.1997, the respondents issued the impugned order dated 9.9.1997

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stating that his name was considered for ad hoc promotion along with the other candidates but due to non fulfilment of educational qualifications, he was not found fit by the DPC to be promoted. It is the contention of the learned counsel for the applicant that the certificate obtained by him, namely, 'Sahitya Sudhakar Pariksha in Hindi from Bmbai Hindi Vidhyapeeth is equivalent to BA Degree. It is secondly contended that as none of the Data Processing Assistants (DPA) who were promoted on ad hoc basis were <sup>h</sup>not qualified as per rules for promotion inasmuch as they were not having five years regular service as Inspectors, the respondents should have taken into consideration the seniority as the sole criterion for promotion as it was on ad hoc promotion.

3. The learned counsel for the respondents however submits that the certificate possessed by the applicant, which is recognised as BA, is only limited to Hindi only but is not equivalent to full-fledged degree. Wherever <sup>specific</sup> qualification <sup>of Hindi</sup> is prescribed for Government jobs the said certificate can be considered equal to BA but when <sup>no specific Hindi qualification is mentioned</sup> ~~it was specifically mentioned BA in a specific subject as the requisite education qualification~~ it cannot be treated as equivalent to BA. It is further contended that as other persons possessed the requisite qualifications as per the Rules they were rightly promoted and the applicant having not possessed the said qualification he could not be considered for promotion.

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4. None appears for the applicant either in person or through his counsel even on second call. Since this is a matter of 1997, we are disposing of the same in terms of Rule 15 of the CAT (Procedure) Rules, 1987. We heard the learned proxy counsel for the respondents and considered the contentions raised by the learned counsel and perused the pleadings available in this case.

5. We now take the second contention first. It is true that as per the Ministry of Home Affairs, (Directorate of Co-ordination Police Computers) Group 'A' and 'B' posts Recruitment Rules, 1988 that only Inspectors in the computers and systems Division of National Crime Records Bureau with five years regular service in the grade are entitled for promotion. The essential qualification is Degree in Engineering/Computer Sciences of a recognised University or equivalent. It is the case of the applicant that none of the officers promoted ~~on~~<sup>by</sup> ad hoc basis possessed five years regular service as Inspectors. The officers who were promoted were holding the post of DPA Group 'B'. Under the Rules, as seen supra only Inspectors are entitled for promotion. It is true that as contended by the learned counsel for the respondents that the rules are being amended by replacing the word 'Inspector' by DPA 'B'. But until the rules are amended the existing rules will be in force and will have to be relied upon. Hence, the promotions made, are not in accordance with the Rules. Hence the insistence upon the qualification under the Rules does not arise.

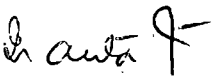
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6. The contention of the applicant is, as stated in his rejoinder, that in the absence of any incumbent qualifying as per the rules, since the promotion is only on ad hoc basis, it is just and proper that seniority has to be followed, provided one was not found unfit. It is not the case of the respondents that the applicant was found unfit otherwise. Admittedly, it is not also denied that the applicant is senior to those who were appointed on ad hoc basis. Hence, he is entitled for consideration for promotion on the basis of his seniority.

7. In view of the finding given by us on the second contention, we need not go into the first contention that was urged by the applicant.

8. We accordingly, direct the respondents to consider the applicant for ad hoc promotion to the post of JSO w.e.f. 13.8.1997, in view of the observations made by us. The OA is accordingly allowed. No costs.

  
(SMT. SHANTA SHASTRY)  
MEMBER(A)

  
(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)

/RAO/