

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 174/1994

60

New Delhi this the 15th day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

Association of Graduate Engineers,
(Regn.No.S-22589 of 1992)
Civil Construction Wing,
All India Radio,
Ministry of Information and
Broadcasting through
its General Secretary
R.K.Dua S/o Shri D.K.Dua,
R/o D-245, Vivek Vihar,
New Delhi- 110092

....Applicants

(By Advocate Shri B.B.Raval)

-Versus-

1. Union of India
through the Secretary,
Ministry of Information and
Broadcasting,
Government of India,
Shastri Bhavan,
New Delhi-110001.
2. The Director General,
All India Radio,
Government of India,
Akashvani Bhavan,
New Delhi-110001.
3. The Secretary,
Union Public Service Commission,
Dholpur House, Shah Jehan Road,
New Delhi-110011.
4. Association of Engineering Staff
Civil Construction Wing:
Through its Secretary,
Shri Dharmendra Kumar
Junior Engineer, Civil Construction Wing
All India Radio
C.G.O.Complex, Lodhi Road,
New Delhi-110003
5. Shri K.P.Sankaran
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.
6. Shri S.R.Mandal,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

✓

7. Shri A.K. Khan,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

8. Shri R.C. Das,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

9. Shri B.M.R. Parti,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

10. Shri Naresh Kumar,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

11. Shri K.K. Mathur,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

12. Shri A.K. Jain,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

13. Shri Raghbir Singh,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

14. Shri S.C. Arora,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

15. Shri K.S. Roopari,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

15A. Shri M.R.K. Nair,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

16. Shri A.K. Sarin,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

61

61

17. Shri A.K.Gulati,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

18. Shri M.E.A. Khan,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

19. Shri K.Veeraraghavelu,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

20. Shri P.K. Dash,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

21. Shri G.J.Chandekar,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

22. Shri P.B.Nath,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2.

23. Shri B.Khongwir,
Executive Engineer (Civil)
Civil Construction Wing
All India Radio
C/o Respondent No.2. Respondents

(By Advocate Shri S. M. Arif)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Present O.A. ~~which~~ was initially filed, sought to impugn order No.56/93-B(D) dated 17.12.1993 whereby certain Assistant Engineers (diploma holders) were granted promotion to the posts of Executive Engineer. At that time, 1988 Rules were applicable. The said Rules provided for 100% promotion from the posts of Assistant Engineer (degree holders) to the posts of

S. M. Arif

b3

Executive Engineer. Applicants who represent Assistant Engineers (degree holders) had impugned the aforesaid promotions as the same were not permissible under the aforesaid Rules of 1988. Pending the O.A., Rules have been amended whereby 33-1/3% promotions have been earmarked for Assistant Engineers (diploma holders) and 67-2/3% for Assistant Engineers (degree holders). Present O.A. has accordingly been amended and aforesaid Rules brought about on 20.6.1995 at Annexure -B of the amended O.A. are sought to be impugned.

2. On 25.1.1996, the following order was passed by the Tribunal on M.A.No.2013/95 which was taken out in the present O.A:-

"The learned counsel for the official respondents and the private respondents state that the respondents have not made any promotions from 16.2.1994, when the interim order was passed by this Tribunal, till date. Since the new recruitment rules have come into force, the promotions, if any, shall be made according to the new recruitment rules which will take effect prospectively.

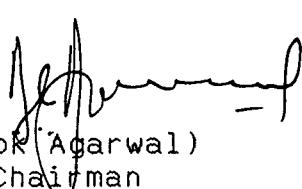
MA No.2913/95 is disposed of with the above clarification."

3. In our judgement, the applicants can have no say in issuance of rules providing for the channel of promotions as also the reservations to be granted to the different feeder posts in the matter of promotions. These are policy matters which are in the exclusive domain of the Government. It is true that initially promotions to the posts of Executive Engineer were restricted only to Assistant Engineers(degree holders). The promotional avenues

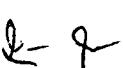


(b) A

were not open to Assistant Engineers (diploma holders). The Assistant Engineers (diploma holders) naturally have represented to the Government and the Government has found the demand just and reasonable and has accordingly opened avenue of promotion to the post of Executive Engineer to Assistant Engineer (diploma holders) also. It has prescribed 33-1/3% of promotions to be made from the Assistant Engineers (diploma holders) category and 67-2/3% from the Assistant Engineers (degree holders) category. The said ratio, in our view, is just and reasonable and does not call for any interference in the present proceedings. Once it is found that the Government has ordered promotions to Assistant Engineers (degree holders) as also the Assistant Engineers (diploma holders) under the aforesaid Rules of 1988 at Annexure- B, the same is in compliance with the interim direction issued on 25.1.1996 on MA No.2913/95. The same is in consonance with the rules. No case is, therefore, made out to interfere with the ~~promotions~~ said ~~direction~~. Present O.A. in the circumstances, we find it devoid of merit. The same is accordingly dismissed. No costs.


(Ashok Agarwal)

Chairman


(Shanta Shastry)

Member (A)

ns

SMS