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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1784/2000

New Delhi, this the 30th day of April, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Shri Shiv Hari Chaube
S/o Late Shri P.N. Chaube,
R/o H.No.1576, Sector-5,
R.K. Puram,
New Delhi.

working as Peon-cum-Helper
in the Department of Culture,
Government of India,
National Museum,
Janpath, New Delhi

... Applicant

(By Advocate: Shri H.K. Chaturvedi)

V E R S U S

Management of:

Department of Culture,
Government of India,
National Museum,
Janpath,
New Delhi
Through the Director General

... Respondent

(By Advocate: Shri J.B. Mudgil, proxy counsel for
Shri Rajinder Nischal)

O R D E R (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel on either side. The documents placed on record have also been seen.

2. The applicant prays for setting aside the respondents' order dated 30th August, 2000, by which the applicant has been transferred to work as Cleaner in the Security Section. By an earlier order of 22nd February, 1999, the same applicant had been transferred to work as Peon in the same Security Section. Earlier to this he was a Cleaner. His placement as Peon in the Security

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Section had come in the wake of vacancy caused due to the promotion of one Shri S.P. Mehto, Peon to the post of Lab. Attendant. According to the learned counsel appearing in support of the OA, Shri S.P. Mehto was at that point of time working in the Lab. The applicant, instead of being posted as Peon in the aforesaid Lab., has been posted in the Security Section. By doing so, the respondents, according to the learned counsel, have made an attempt to deprive him of future service benefits by way of likely promotion to the post of Lab. Attendant.

3. The learned counsel appearing on behalf of the respondents asserts that the posts of Cleaner, Peon, Farash etc., are all Group "D" posts in the same pay scale. These are designated differently depending on the place of posting and transfer/posting from one unit to another does not amount to promotion. Accordingly, there is no whisper of promotion in the respondents' order of 22nd February, 1999 whereby the applicant, then a Cleaner, was posted as Peon. Similarly, according to him, there is no whisper of demotion either in the impugned order dated 30th August, 2000 whereby as already stated, the applicant, then a Peon, has been transferred to work as a Cleaner in the Security Section.

4. The Recruitment Rules (for short RRs) do find place on record in respect of the post of Lab. Attendant. The same clearly provide that Gallery Attnds., Peons and Daftaries with 3 years service in the

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grade and possessing the qualifications laid down in column 8 of the RRs are eligible to be considered for promotion to the post of Lab. Attendant. No other Recruitment Rules have been placed on record by the learned counsel to show as to how the posts of Cleaner, Peon etc. are to be filled and the qualifications etc. required. Since Cleaners have not been included in the list of posts, the occupants of which could be promoted to the post of Lab. Attendant, the learned counsel appearing on behalf of the applicant submits that the applicant's posting as Cleaner has the effect of eliminating his chance for promotion to the aforesaid post of Lab. Attendant.

5. A careful perusal of the aforesaid RRs particularly column 8 thereof shows that the same provides for some amount of experience in Laboratory work as a pre-requisite for promotion to the post of Lab. Attendant. The applicant admittedly does not possess any experience in Lab. work, for whatever reason. He is thus not eligible to be considered for promotion irrespective of whether he holds the post of a Peon or a Cleaner. The main grievance raised by the applicant, therefore, has no force.

6. Insofar as the applicant's posting as a Cleaner or earlier as a Peon is concerned, in the absence of relevant RRs I am not in a position to conclude which one is superior to the other. Moreover, the impugned orders themselves do not disclose any promotional aspect insofar as the posting of the

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applicant is concerned. In this view of the matter, I am inclined to agree with the learned counsel appearing on behalf of the respondents that the various designations such as Cleaner, Peon, Farash etc. are inter-changeable and carry the same scale of pay. The applicant continues to be in service and is presently a Cleaner in the same pay scale as that of a Peon. As and when he acquires the requisite experience in Laboratory work, he will, no doubt, become eligible to be considered for promotion to the post of Lab. Attendant and at that point of time the respondents will, no doubt, consider his claim along with the claim of the others in accordance with the aforesaid RRs.

7. In the aforestated circumstances, the OA is found to be devoid of merit and is accordingly dismissed. No costs.



(S.A.T. RIZVI)
MEMBER(A)

(pkr)