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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO. 2443/2000

New Delhi, this the 19th day of March, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

S.N. Singh,
71/3, Sector-1, Pushpa Vihar,
New Delhi - 110017,

Office Address : S.N. Singh,
Assistant Development Officer,
Ministry of Mines,
Room No. 552C,
Udyog Bhavan,
New Delhi - 110011
(By Applicant, in person)

..... APPLICANT

VERSUS

Union of India through

The Secretary,
Ministry of Mines,
Shastri Bhavan,
New Delhi
(By Shri M.K. Bhardwaj, proxy counsel for Shri
A.K. Bhardwaj, Advocate)

..... RESPONDENT

O R D E R (ORAL)

Shri Govindan S. Tampi, Member (A):

Heard the applicant in person and Shri M.K. Bhardwaj, proxy counsel for the respondent.

2. The applicant in this case has assailed the abolition of the post of Development Officer (Engg.) in the Ministry of Mines with effect from 1.10.2000, as the same has deprived him of the change of getting promotion.

3. The applicant was recruited originally as Assistant Development Officer (Engg.) in the erstwhile D.G.T.D., Ministry of Industry and has been working

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since 13.8.1986 without any promotion. When the Organisation of D.G.T.D. was wound up, six persons including the applicant were transferred to the Ministry of Mines with equal number of posts viz. one Industrial Adviser, one Addl. Industrial Adviser, two Development Officers and two Assistant Development Officers. When Shri T.R.M. Rao, the Development Officer (Engg.) was to retire on superannuation w.e.f. 30.9.2000 the applicant was the senior most person to be considered for promotion. Though the applicant was earlier assured that he would be considered for promotion, in spite of which the post has been abolished w.e.f. 1.10.2000, denying him the legitimate chance of elevation. The applicant who had been looking forward to reach the grade of Industrial Adviser, at the end of his career, has been deprived of even the first rung of promotion, which had come his way, fourteen years after joinining Group 'A' service. This is a case where the Tribunal should justifiably enter and render him justice, urges the applicant.

4. Contesting the above, Shri M.K. Bhardwaj, learned proxy counsel for the respondent argues that the abolition of the post was an earlier ^{policy} decision taken by the Government in terms of the recommendations made by the 5th Central Pay Commission for down sizing the bureaucracy and the Govt. posts. ~~Since~~ It is an earlier decision it was not taken to hurt any perticular person, but only to implement the directive of down sizing the Govt. Therefore, the

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applicant should not have any grievance and accept the same in good grace, according to Shri Bhardwaj.

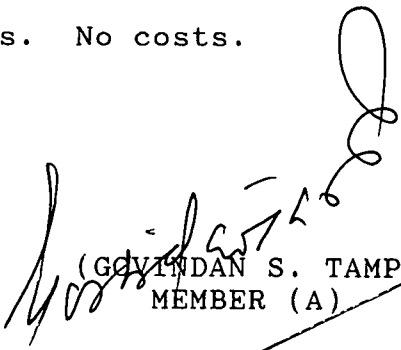
5. We have carefully considered the rival contentions and also perused the records with specific reference to the 5th Central Pay Commission report. According to the learned counsel for the respondent, the responsibility for abolition of the post was a policy decision, which should be adhered to and it would not be correct for the Tribunal to interfere with it. However, the perusal of the recommendations, which are at Paras 72.1 to 72.6 of the 5th Central Pay Commission's report, refer to the Ministry of Industry and it does not apply to the Ministry of Mines, the Ministry concerned in this case. The applicant is not working in the D.G.T.D. of the Ministry of Industries, but in the Ministry of Mines, to which he along with five others have been transferred with the posts in 1994 itself. Therefore, the recommendations of the 5th Pay Commission and the adoption of the recommendations with specific reference to the Ministry of Industry would not have application to the Ministry of Mines to which the posts have been transferred. Besides, the number of persons shifted along with posts long back from the DGTD of the Ministry of Industry to the Ministry of Mines in 1994 is only just six and it was a dying cadre, and if at all any cut was called for it could have been of the post of Asstt. Development Officer which the applicant would have vacated. There was no ground or justification for denying the applicant the only

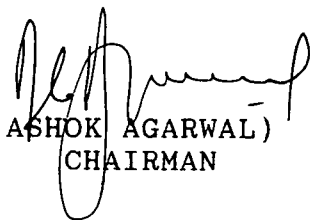
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chance of a promotion which he could have looked forward to after 14 years of service in Group 'A'.

6. The OA, in the above circumstances succeeds and is allowed. The impugned order No. 18 (6)/2000-Estt dated 18.10.2000 surrendering the post of Development Officer in the Secretariat of the Ministry of Mines is quashed and set aside, as the same does not follow from the recommendations of the 5th Pay Commission relating to the Ministry of Industrial Development and ^{the respondents are directed} consider the case of the applicant for promotion to that post, if he is eligible and suitable, in accordance with the rules and regulations. ^{With in three months from the receipt of the copy of this order.}

7. The OA is disposed of in the aforesated terms. No costs.


(GOVINDAN S. TAMPL)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

(pkr)