

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 2372/89  
T.A. No.

198

DATE OF DECISION 6.4.1990.

Shri B.L. Kureel Applicant (s)

Miss Ritu Kumar Advocate for the Applicant (s)

Versus

Union of India & Others Respondent (s)

Shri P.H. Ramchandani Advocate for the Respondent (s)  
with Shri A.K. Behra

CORAM :

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *MD*
4. To be circulated to all Benches of the Tribunal ? *No*

JUDGEMENT

(delivered by Hon'ble Shri P.K. Kartha, V.C.)

The applicant, who is working as Chief Draughtsman in the Directorate General of Armament Supply, Naval Headquarters, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to promote him from the post of Chief Draughtsman to Civilian Technical Officer (Design) as per the existing Rules of 1982 prior to amendment and that the respondents be directed to set aside the arbitrary and illegal act of examination system introduced by amendment of the Recruitment Rules.

2. The application has not been admitted. The pleadings in the case are complete. We feel that the

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present application could be disposed of at the admission stage itself.

3. The facts of the case are not disputed. The applicant joined service in 1959 as Tracer. He was promoted as Draughtsman in 1963 and subsequently, as Chief Draughtsman in 1977. He is only a matriculate.

4. As the grievance of the applicant relates to the amendment of the relevant Recruitment Rules, it may be convenient to set out the salient provisions of the said Rules at the outset. Appointment to the post of Civilian Technical Officer (Design) for which the applicant is aspiring, is governed by the Navy (Class II Gazetted Posts) Recruitment Rules, 1969 as amended in 1977 (hereafter referred to as 'the unamended Rules'). Under the Rules, it is a selection post and is to be filled in by promotion, failing which by direct recruitment. For promotion, the eligibility criteria are that the person concerned should have rendered three years' service as Chief Draughtsman (Armament) on a regular basis and he should also possess at least a diploma in Mechanical or Electrical Engineering. The applicant is not a graduate nor does he possess any diploma in Mechanical or Electrical Engineering.

5. The aforesaid Rules were superseded by new Rules made in 1982 (hereinafter referred to as 'the amended Rules'). Under the amended Rules, the requirement of possessing a diploma in Mechanical or Electrical Engineering was done away with and it was provided that the departmental candidates who have passed the departmental qualifying examination, shall only be eligible for promotion as Civilian Technican Officer (Design). In case the departmental candidate possesses a Degree in Mechanical or

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Electrical Engineering, instead of three years' regular service in the grade of Chief Draughtsman, the amended Rules provided that he need render only one year's service. Passing the qualifying examination has been made an essential condition of eligibility for promotion in the case of all departmental candidates.

6. We have gone through the records of the case and have heard the learned counsel for both the parties.

7. Admittedly, the applicant did not possess the requisite qualifications for promotion under the unamended Rules as he was not a diploma holder in Mechanical or Electrical Engineering. The mere fact that he belongs to the Scheduled Caste community does not mean that he will have a superior claim to promotion de hors the Rules.

8. The amendment of the Recruitment Rules cannot be called in question as it envisages giving opportunities to all the departmental candidates who do not even possess a Degree or a Diploma in Electrical or Mechanical Engineering, like the applicant. The applicant also had appeared thrice at the departmental examinations, but did not qualify.


9. As a Constitution Bench of the Supreme Court has observed in *Bishan Sarup Gupta & Others Vs. Union of India & Others*, 1974, S.C.C. (L&S) 506 at 518, it is for the Government to decide as a matter of policy as to what should be the method of recruitment to any Service, as there is a presumption that Government knows what is best in the public interest. In <sup>the</sup> recent case of *K. Jagdeesan Vs. Union of India & Others*, 1990(1) SCALE 238, the Supreme Court has observed that mere chances of promotion are not conditions of service and the fact that


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there was a reduction in the chances of promotion, did not tantamount to a change in the conditions of service. It was further observed that it is for the Government to decide what qualification was required for promotion to a post and unless that requirement was totally irrelevant or unreasonable, it could not be said to be bad in law.

10. In the light of the aforesaid judicial pronouncements, we are of the opinion that the prescription of a departmental qualifying examination by the amended Rules cannot be said to be unreasonable or bad in law. We see no merit in the present application and the same is dismissed at the admission stage itself.

The parties will bear their own costs.

  
(D.K. Chakraverty)  
Administrative Member  
6/4/90

  
6/4/90  
(P.K. Kartha)  
Vice-Chairman (Judl.)