

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A. No. 1225/88

New Delhi, dated the 31st August, 1994

CORAM

Hon'ble Shri. S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(Judicial)

Shri Dush Bandhu Sharma
2/3, Defence Colony, Shanti Nagar,
Kanpur -4

.. Applicant

(None for the applicant)

v/s

1. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
Delhi.

2. Chairman,
Ordnance Factory Board,
D.G.O.P. Head Quarters
10-A Auckland Road, Calcutta-1

3. Addl.O.G.O.F.
E.S.I.C. Bhawan,
Sarvodaya Nagar, Kanpur

4. Secretary,
Ministry of Defence, Delhi.

.. Respondents.

(By Advocate Shri M.K. Gupta)

JUDGMENT(ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

In this application, Shri D.B. Sharma, Assistant Foreman, Ordnance Parachute Factory, Kanpur has prayed for a direction to the Respondents to consider him for the post of Assistant Works Manager(Clothing Technologist) against advertisement No.16 , item No.5 dated 16.4.1988.

2. None appeared for the applicant when the case was called out, although we waited for a considerable length of time. Shri M.K. Gupta appeared on behalf of the Respondents. As

this is a very old case, we therefore, thought it fit to dispose it of after perusing the material on records and hearing Shri M.K.Gupta.

3. It appears that the post of Assistant Foreman is in the feeder category for the post of Assistant Works Manager(Clothing Technologist). However, by amendment in the Recruitment Rules dated 21.7.1979, the qualifications for the post of Assistant Works Manager(Clothing Technologist) have been raised, and the percentage for the post earmarked, promotion vis - a - vis those earmarked for Direct Recruitment have been changed. The applicant has contested the action of the respondents in raising the qualifications for the post of Assistant/Manager by amendment in the Recruitment Rules.

4. Shri Gupta has drawn our attention to the judgment of the Tribunal dated 6.7.1994 in OA No. 2009/88 (Rakesh Kumar Dwivedi v/s U.O.I. & Ors) wherein a similar challenge was mounted to the amendment in the Recruitment Rules for the post of Assistant Works Manager(Clothing Technologist). By that judgement, the ~~allegation~~ filed by Shri Rakesh Kumar Dwivedi was dismissed on the ground that the prescription of particular qualifications for Direct Recruitment was entirely within the freedom of the executive and the Tribunal could not interfere with that freedom to prescribe the qualifications. It was further noted that if the applicant ~~did~~ not have the qualifications, it was open to him to acquire the same to make himself eligible to appear for the examination conducted for direct recruitment.

5. We respectfully agree with the ratio in the judgment

of Shri Rakesh Kumar Dwivedi (Supra) and we see no reason to

interfere in this application, ⁱⁿ ~~which~~ is accordingly dismissed.

No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)

S. R. Adige
(S. R. Adige)

Member (A)