

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 121/1987

New Delhi the 21th Day of December, 1993

Hon'ble Mr. N.V. Krishnan, Vice Chairman(..)

Hon'ble Mr. B.S. Hegde, Member (Judicial)

1. Shri Lajpat Rai
Qr.No.234, LR Complex, Lodi Road,
New Delhi.
2. Sh.A.K.Bhargava
Qr.No-714, L.R. Complex,
Lodi Road, New Delhi
3. Sh.O.P.Sawheny,
Qr.No.1021, L.R. Complex
Lodi Road, New Delhi
4. Sh.S.C. Bhardwaj
Qr.No.278, Dhaka Kingaway Camp,
New Delhi
5. Sh.P.N.Singh
Qr.No.1346, Laxmi Bai Nagar,
New Delhi
6. Sh.Birbal Jawa
A-547, Kalkaji,
New Delhi
7. Sh.Kuldeep Chander
F-2961, Netaji Nagar,
New Delhi
8. Sh.S.K.Jain
Sec-7/327, R.K.Puram,
New Delhi
9. Sh.Surender Kumar
43, Ram Puri, Kalkaji,
New Delhi
10. Sh.K.B.R. Anand
G-33, DDA Naraina
Vihar, New Delhi
11. Sh.P.K.Kuttappan
M-31C Observatory
Compound, Lodi Road,
New Delhi
12. Sh.D.N.Sharma
197-B Aram Bagh,
New Delhi

... Applicants

(By Advocate Sh. D.K.Rastogi)

Versus

1. Union of India
through the
Secretary
Ministry of Science and Technology,
(India Meteorological Department)
New Mehrauli Road, N/Delhi-110016

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2.

Director General,
--Indian Meteorological Department,
Mausam Bhawan,
Lodi Road,
New Delhi.

... Respondents

(By Advocate Sh. P. P. Khurana)

ORDER (ORAL)

(Hon'ble Sh. N. V. Krishna, Vice Chairman (..))

Applicants are Scientific Assistants
in the Meteorological Department. They are
aggrieved by the discrimination in respect of
opportunity for promotion to higher grades.

2. Their case has been succinctly set
out in the Annexure-II chart. The lowest post
in the cadre is Draftsman and there are
seven higher posts ending with Director.
It is pointed out that the recruitment rules

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provide that the draftsman on the pay scale of Rs 1200-2050 (revised) may be directly promoted to second higher level i.e. Scientific Assistant (Rs 1400-2300), if he has elementary training with 5 years of service, by passing the next higher level of Senior Observer (Rs 1320-2050). The Senior Observer, however, gets promoted only to the next higher ^{or} post of Scientific Assistant.

3. By an amendment to the Recruitment Rules in 1980, Assistant Meteorologist (Rs 2000-3500) who, before such amendment, were eligible to be promoted only to the next higher post of Meteorologist-II, ^{or} were made eligible to get promoted as Meteorologist Grade-I by passing the immediately higher grade of Meteorologist Grade-II.

4. The grievance of the applicants is that, having provided for such a double jump promotion in case of two categories (i.e. from Draftsman to Scientific Assistant and from Asstt. Meteorologist to Meteorologist Grade-I), provision should be made in respect of the applicants' post i.e. Scientific Assistant by providing that, after suitable training and obtaining certificates, they should be eligible for promotion to the second higher grade of Assistant Meteorologist, after by passing the immediately next

higher post of Professional Assistant.

5. The learned counsel for the applicant states that recruitment to the post of Scientific Assistant is 100 % by promotion. To the next higher post of Professional Assistant, only 50% is by promotion of Scientific Assistant and the balance of 50% by direct recruitment. Therefore, like, draftsman and Assistant Meteorologist, the applicant should also be given the benefit of double promotion as Assistant Meteorologist. Otherwise, the recruitment rules are discriminatory.

6. The respondents have filed reply opposing the application stating that Recruitment Rules have been amended on the basis of recommendation of High powered Committee called Ramanna Committee. It is stated that the Scientific Assistants, like the applicant and the higher category of Professional Assistant are not doing the same type of work. Therefore, there can be a promotion from the post of Scientific Assistant to Professional Assistant. The case of draftsman and Asstt. Meteorologist are distinguishable

7. We have carefully considered the arguments made by the learned counsel for the applicant and the learned counsel for the respondent. We are not at all impressed by the pleadings made in the application. Framing of the recruitment rules and granting of promotion from one level to another is entirely and purely matters of policy in which there is hardly any scope for interference by the Tribunal, unless it is established that rules of promotion are discriminatory *u* ^{alleging} ~~under~~ the violation of Articles 14 and 16 of the Constitution.

8. Thus Draftsman, no doubt, get double promotion to the rank of Scientific Assistant. It is seen from the chart that the post of Scientific Assistant is filled up by promotion, both by Senior Observers as well as Draftsman. This is due to the effect that both Draftsman and Senior Observer have the same qualifications. The respondents have admitted that the training of Senior Observer and Draftsman are the same. Therefore, there was no point in restricting promotion of draftsman to the post of Senior observer only. The *u* post of Scientific Asstt. were also opened up for

promotion of draftsman.

9. The next example is that of Assistant Meteorologist who is promoted directly to the post of Meteorologist Grade-II. This is due the effect that the Meteorologist Grade-II post is filled up entirely by direct recruitment and Assistant Meteorologist can not be promoted to this posts.

10. Thus, these are good reasons why jumping one level for promotion has been provided in some cases.

In the case of the applicant, the next post of promotion is Professional Assistant. As stated by the respondents, it carries different duties and appointment is 50% by promotion of Scientific Assistant and 50% by direct recruitment.

11. In this view, we do not find that there is any discrimination in practice and that there is no infringement of Articles 14 and 16 of the Constitution. Therefore, we dismiss this application at the admission stage itself.

(B.S. Hegde)

Member (J)

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(N.V. Krishnan)

Vice Chairman (A)