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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1776 1987
T.A. No.

DATE OF DECISION 1.1.88

Shri N.L.Sachdev

Applicant
~~Petitioner~~

Applicant in person.

~~Advocate for the Petitioner(s)~~

Versus

Union of India & others

Respondents

Shri H.N.Vaidarajan, Under Secretary for


~~Advocate for the Respondent(s)~~

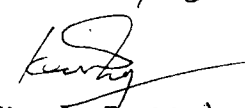
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, 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 ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member


(K. Madhava Reddy)
Chairman

1.1.88

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

REGN. NO. OA 1776/87

Date of decision: 1.1.88

Shri N.L.Sachdev Applicant

Vs.

Union of India & others Respondents.

Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member.


For the Applicant Applicant in person.

For the Respondents Shri H.N.Vaidarajan,
Under Secretary.

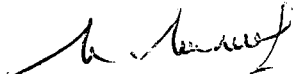
(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)


In this application, the Planning Commission (Senior Artist) Recruitment Rules, 1985 whereby the qualification of National Certificate in Commercial Art Pictorial is not one of the recognised qualifications for promotion to the post of Senior Artist, are challenged. The qualification now prescribed inter alia is " a diploma in Draftsmanship/Engineering/Arts/Commercial Art or Painting/Architecture or its equivalent". It does not include the qualification of National Certificate in Commercial Art Pictorial. Obviously, the applicant is not eligible under the existing Rules for being considered for the post of Senior Artist. According to him under the unamended Rules, he was eligible to be promoted to that post. It is a common ground that promotion to the post of Senior Artist is sought to be made after the new Rules have come into force. The eligibility of any employee, including the applicant, will have to be judged in the light of ^{the} Rules in force. Unless one is eligible under the Rules in force, he cannot claim promotion.

2. It is pointed out on behalf of the Respondents that even under the unamended Rules, the applicant was not eligible to be promoted. It is unnecessary for us to go into



that question because no one is entitled to claim that the Rules shall remain unamended until one is promoted under the Rules he was initially recruited. Promotion is not a vested right. No vested right of the applicant is affected by requiring him to fulfil the qualification prescribed under the new Rules for promotion to the post of Senior Artist. No question of discrimination arises for the eligibility criteria now prescribed for promotion would apply uniformly to all members of the service. If the applicant does not qualify for being considered, it is not because there is any discrimination, but because he does not fulfil the required qualification under the New Rules. This application is, therefore, without any merit and is accordingly dismissed.


(Kaushal Kumar)
Member


(K. Madhava Reddy)
Chairman

1.1.88