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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 174/87
T.A. No.

198

DATE OF DECISION 23.3.1987

Shri Tarip Singh & Ors.

~~Petitioner~~ Applicants

Shri S.N. Shukla

Applicants
Advocate for the ~~Petitioner(s)~~

Versus

Union of India & Ors.

Respondents

Shri M.M. Sudan

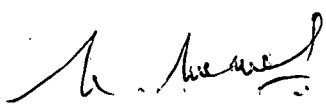
Advocate for the Respondent(s)

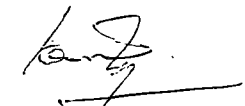
CORAM:

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? *Yes*
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
23.3.1987


(K. MADHAVA REDDY)
CHAIRMAN
23.3.1987

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

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Date: 23--3--1987.

REGN. No. OA 174/87.

Shri Tarip Singh & Ors. .. Applicants

Vs.

Union of India & Ors. .. Respondents.

Coram:

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

Hon'ble Mr. Kaushal Kumar, Member

For the applicants: Shri S.N. Shukla, counsel.

For the Respondents: Shri M.M. Sudan, counsel.

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

JUDGMENT

In this application under Section 19 of the Administrative
Tribunals Act, 1985, the applicants who are working as Workshop
Attendants (in various Trades) a Class III post under the
Directorate of Employment and Training, Delhi Administration,
call in question the Rules governing the posts of Craft
Instructor/Instructor/Instructor (Drawing)/Instructor (Allied
Trade)/Mill Wright Instructor issued under Notification
No.F.2(II)/75-S.II dated 30.1.1976. Under these Rules, these
posts are to be filled in by direct recruitment by persons



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possessing the qualification prescribed under column 7
of the Schedule appended to the Notification which reads
as under:-

"7. Essential:

1. Matriculate or equivalent (with Mathematics & Science for Engineering trades only)
2. National Trade Certificate/National Apprenticeship Certificate/Certificate in the trade concerned from a recognised Institution.
3. Three years practical experience in the trade concerned.

Desirable:

C.T.I. trained will be preferred.

OR

Essential:

1. Diploma in Engineering/Technology.
2. One year practical experience in the trade concerned.

OR

one year C.T.I. training in the trade concerned."

2. In these Rules, there is no provision for promotion of Workshop Attendants to the category of Craft Instructors.

It is the grievance of the applicants that failure to provide any channel of promotion for Workshop Attendants is arbitrary and violative of Articles 14 and 16 of the Constitution.

It is their further case that the Workshop Attendants discharge the duties attached to the posts of Craft Instructors and whenever the Craft Instructors are not available either because the posts are not filled up or because they are absent and,



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therefore, they should have been made eligible to be appointed to the posts of Craft Instructors by way of promotion. We are unable to agree with any of these contentions. Where the posts are intended to be filled in initially by direct recruits, to say that the applicants are denied the right to be appointed to the post is erroneous. All persons including even Workshop Attendants who are in service are eligible to apply for these posts and the appointing authority is required to consider them provided they are duly qualified and are otherwise eligible under the Rules. If because the Workshop Attendants are overaged and are not eligible or because they do not possess the qualification and prescribed under column 7 referred to above, they cannot be considered, the Rules cannot be struck down as arbitrary. They are as much entitled to apply as any other citizen, but surely, no one can claim to be considered or appointed unless he fulfils the qualification prescribed under the Rules. If either because he does not possess the qualification prescribed under column 7 or because he is above the age limit prescribed under column 6, which lays down that one should be below 30 years (relaxable for Government servants upto 5 years), the applicants cannot complain that the Rule is arbitrary. The qualifications prescribed under the Rules, in our view, are quite relevant to the duties and responsibilities which the Craft Instructors are required to discharge. In fact, only

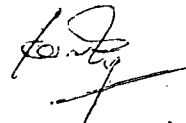
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because some Workshop Attendants who may be otherwise eligible, having joined service may have become overaged, the rule making authority, in its wisdom, has thought it expedient to relax the age-limit by 5 years. That we think is fair and just. No Government servant can claim as of right that some avenue of promotion must necessarily be provided under every Service Rule. In this view of the matter, we do not find any substance in this application which is accordingly dismissed. No order as to costs.



(KAUSHAL KUMAR)
Member
23.3.1987



(K. MADHAVA REDDY)
Chairman
23.3.1987