

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW DELHI

O.A. No. 299/87
T.A. No.

198

DATE OF DECISION March 19, 1987.

Shri B.D. Nohani, Petitioner

In person. Advocate for the Petitioner(s)

Versus

Union of India and others Respondents

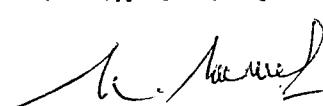
None Advocate for the Respondent(s)

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 other Benches? *No*


(Kaushal Kumar)

Member

19.3.1987.


(K. Madhava Reddy)

Chairman

19.3.1987.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI

Regn. No. OA 299/87

Shri B.D. Nohani Applicant
VS.

Union of India and others Respondents

CORAM:

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

For the applicant ... In person

For the respondents ... None

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

The applicant is a Store Keeper Grade II who was appointed as Meter Reader on 1.7.1960. He was promoted as Store Keeper Grade II in the year 1973 and was given the seniority w.e.f. 31.5.72. Pursuant to the Third Pay Commission's Report, the pay scale of Meter Readers was raised to Rs. 260-400 and 10% of the posts in the cadre of Meter Readers were sanctioned in the higher scale of pay i.e. Rs. 330-480. The pay scale of Meter Readers in the ordinary grade is the same as that of Store Keeper Grade II. It was, therefore, proposed to amend the Recruitment Rules for the post of Grade II Store Keeper vide Engineer-in-Chief's Branch circular letter No. 90270/89/EIC dated 12th December, 1986. The proposal is as under:

"2. It is proposed to amend the Recruitment Rules for the post of Store Keeper Grade II as follows:-

- (a) The category of Meter Reader will be deleted from the feeder categories for promotion to Store Keeper Grade II.
- (b) Meter Readers who have passed Store Keeper's examination and have three years service in the grade will be made as feeder category for promotion to Store Keeper Grade.II."

Kumar

As stated in the above mentioned circular, pending the amendment, it was also proposed to obtain the willingness of the Meter Readers to accept the post of Store Keeper Gde.II as under:

"3. Pending amendment to the Recruitment Rules, the existing meter Readers should be asked to give willingness to accept the post of Store Keeper Gde. II. Since the pay scale of Meter Reader HS II (Rs. 330-380) is more than that of Store Keeper Gde.II, some of the Meter Readers may not be willing to accept the post of Store Keeper Gde.II. Names of such of the Meter Readers who are not willing to accept the post of Store Keeper Gde. II should not be considered while holding DPC for the post of Store Keeper Gde.II. Since the DPCs for the post of Store Keeper Gde II is held by the Chief Engineer Commands, further necessary instructions to obtain willingness or otherwise of the existing Meter Readers may please be taken to avoid delay in holding of the DPCs."

The grievance of the applicant is now that the pay scale of Meter Readers is raised to Rs. 260-400 notwithstanding his promotion, he does not get any benefit whatsoever and since the pay scale of both the Meter Readers and Store Keeper Gde.II are one and the same, his seniority in the category of Store Keeper Gde.II should be reckoned from the date of his first appointment as Meter Reader. Whether there is any merit in this contention or not, we cannot consider the same in this application under Section 19 of the Administrative Tribunals Act, 1985 filed on 5.3.87. The seniority of the applicant in the category of



Store Keeper Gde II was determined as long back as in 1973. If he was not aggrieved by that seniority which is not subsequently altered to his disadvantage, he cannot be allowed to question the same now at this distance of time. If his further grievance is that 10% of the Meter Readers have been given the higher grade of Rs. 330-480 and, therefore, they may be reckoned senior to him does not merit acceptance for there is no such proposal to make them senior. The proposal, as noticed above, is merely to delete them from the feeder categories for promotion to Store Keeper Gde.II and Meter Readers who have passed Store Keeper's examination and have put in three years' service in the grade are treated as feeder category for promotion to the post of Store Keeper Gr.I. That is the only proposal. Whether that proposal will come through and whether the existing Rules will be amended or not, cannot be postulated at this stage. In any case, this Tribunal cannot restrain the Rule Making Authority from amending the Rules. The applicant has no right to claim that Rules once framed shall not be amended. If a Rule is actually amended and that affects his rights, if any, he can only question those Rules as and when they are amended and enforced. Pending the amendment, the respondents only propose to seek the willingness of the Meter Readers to accept the post of Store Keeper Grade. II. If they so accept, merely



because they were drawing a higher pay scale of Rs. 330-480, they would not be placed as senior to the Store Keeper Grade II who have been Store Keepers Grade II for from 1972. That is an apprehension of the applicant/which we do not find any basis. However, it is as yet only an apprehension; the applicant's seniority has not yet been disturbed and the Meter Readers in the higher scale of Rs. 330-480 have not been given seniority over the applicant. If and when such an order is made, the applicant may seek appropriate remedy. An application for any relief in this behalf is wholly premature.

In the result, this application ^{is} dismissed; but nothing said herein would preclude the Applicant from questioning the amended Rules or if his seniority in the category of Store Keeper Grade II is disturbed.

K. Kumar
(Kaushal Kumar)
Member
19.3.1987

K. Madhava Reddy
(K. Madhava Reddy)
Chairman
19.3.1987