

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1079
T.A. No.

1987

DATE OF DECISION August 7, 1987.

Shri Babu Lal , Petitioner

Shri R.L.Sethi, Advocate for the Petitioner(s)

Versus

Union of India, Respondent

None Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. S.P.Mukerji, 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 other Benches? *No*

S.P.M.
(S.P.Mukerji)
Member
7.8.1987.

K.M.
(K.Madhava Reddy)
Chairman
7.8.1987.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 1079/87.

August 7, 1987.

Shri Babu Lal Applicant.

Vs.

Union of India Respondent.

CORAM:

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

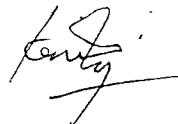
Hon'ble Mr. S.P.Mukerji, Member.

For the applicant ... Shri R.L.Sethi, counsel.

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

This is an application under Section 19 of the
Administrative Tribunals Act, 1985, in which the Rules
published vide Notification No.29-7/84-CA.IV-17 dated
30.7.1984 of Government of India, Ministry of Agriculture
(Department of Agriculture and Co-operation), New Delhi,
are called in question.

2. The applicant was appointed to the post of
Tilter on 19.7.1968. He was promoted to the post of
Etcher Class II in the grade of Rs.320-400 w.e.f.
12.6.1973. Under the Rules then existing, the next
post to which he was eligible for promotion was that of
Half Tone Etcher Class I in the scale of Rs.425-600.
Any Etcher Class II with 5 years' service was eligible
to be considered for the post of Half Tone Etcher Class I.
The post was a selection post. Under the amended Rules
not only the Etcher Class II who had put in 5 years' regular



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service but even Printer and Printer-cum-Finisher in the scale of Rs.260-350 with 8 years' regular service are eligible for the post of Halftone Etcher. The amended Rule reads as under:

Column I

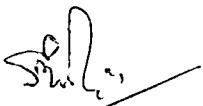
Halftone
etcher

Column II

By promotion on selection from Etcher Group 'C' in the scale of Rs.320-400 with 5 years' regular service in the grade and Printer and Printer-cum-Finisher in the scale of Rs.260-350 with 8 years' regular service in their respective grades."

3. It is the admitted case of the applicant that he had put in 5 years' regular service as Etcher Class II by 12.6.1978. But from that date upto 1985, there was no vacancy in the post of Half Tone Etcher Class I. For the first time, two vacancies occurred in 1985. But even before these two vacancies occurred, the amended Rules in 1984 to which exception is taken in this application came into force. No public servant is entitled to claim that the Rules which were in force at the time when he entered service should continue and no other category of employees should be made eligible along with the category to which he belongs for the next higher post. Unless there is something intrinsically arbitrary about the Rules, the Rules framed by the competent authority cannot be struck down. The grievance of the applicant that Printer and Printer-cum-Finisher who are in the lower scale of Rs.260-350 are also made eligible along with Etcher Group 'C' in the scale of Rs.320-400 ignores

the fact that while Etchers Group 'C' would become eligible after putting in only 5 years' regular service, persons in the lower scale of Printer and Printer-cum-Finisher will be eligible after putting in 8 years' regular service. Obviously the Rule Making Authority intended to open up a wider field for selection to the higher post of Halftone Etcher. We do not find anything arbitrary or unjust in this Rule which renders it liable to be struck down. This application is, therefore, dismissed.


(S.P.Mukerji)
Member
7.8.1987.


(K.Madhava Reddy)
Chairman
7.8.1987.