

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2006/90  
T.A. No.

199

DATE OF DECISION 5.3.1991.

Shri Raj Nath Ram

Petitioner Applicant

Shri B.S. Charya,

Advocate for the Petitioner Applicant

Versus  
Union of India & Others

Respondent

Shri M.L. Verma,

Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative 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 it needs to be circulated to other Benches of the Tribunal? No

(Judgement of the Bench delivered by Hon'ble  
Mr. D.K. Chakravorty, Administrative Member)

The applicant, who is working as a Scientific Officer (Mechanical) in the National Test House under the Department of Supply, Ministry of Commerce, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

(i) To quash the interview held by the U.P.S.C. on 8.8.1990 for the post of Assistant Director (Mechanical) and restrain the respondents from making appointment to the said post pursuant to the said interview;

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(ii) to hold that the action of the respondents in overlooking his claim for promotion/appointment against the post of Assistant Director (Mech.) is illegal;

(iii) to direct the respondents to give due representation to the Scheduled Caste candidates in the Grade of Assistant Director (Mechanical), according to the prescribed ratio; and

(iv) to hold that the change brought about in the criteria for appointment/promotion against the post of Assistant Director (Mech.) is arbitrary and invalid.

2. The application was filed in the Tribunal on 28.9.1990. On 9.10.1990, while admitting the application, the Tribunal passed an interim order to the effect that any appointment made will be subject to the outcome of the present application. The interim order has thereafter been continued until the case was finally heard and orders reserved on 31.1.1991.

3. The facts of the case in brief are as follows. The applicant was appointed as a Scientific Officer (Mech.) w.e.f. 12.5.1986. He holds the Degree of M.Sc. in Physics. The promotional post for him is that of Assistant Director (Mechanical).

4. According to the recruitment rules which were notified in 1975, a Scientific Officer with three years' service in the grade and who holds Master's Degree in Physics, is eligible for appointment as Assistant Director (Mech.). The recruitment rules were changed by notification dated 22.10.1983, according to which, a Scientific Officer with three years' service and who holds a Degree in Mechanical Engineering, or Metallurgy of a recognised university, or equivalent, is eligible for appointment as Assistant Director (Mech.). The applicant has called in question the amendment in the recruitment rules in the present proceedings.

5. The U.P.S.C. conducted an interview on 8.8.1990 for the post of Assistant Director (Mech.). Though the applicant had also applied pursuant to the advertisement issued in January, 1990, he was not called for the interview. His representations against change in the recruitment qualifications, were not acceded to by the respondents as well as by the U.P.S.C.

6. The respondents have stated in their counter-affidavit that the vacancy for which the recruitment was made, fell under the direct recruitment quota. They have stated that the amendment of the recruitment rules is legal and valid. According to them, adequate safeguards have been made for those working in the department and  $33\frac{1}{3}$  per cent of the

posts are to be filled by promotion and only  $66\frac{2}{3}$  per cent will be filled by direct recruitment. They have sought to justify the amendment of the recruitment rules stating that the Mechanical Laboratory no longer requires pure Physics or Applied Physics as a base level qualification. The Mechanical Division of National Test House deals with testing of materials, components and finished products in the field of safety items, etc. To handle all these items, the scientific staff is required to possess the requisite qualifications. The relevant subjects are mainly taught in the Mechanical Engineering and partly in the Metallurgical Engineering Courses of the Indian Universities.

7. We have gone through the records of the case and have considered the rival contentions. The applicant is about 34 years old. He joined the office of the respondents only in 1986. He has thus worked in his present post of Scientific Officer (Mech.) for about 4 years. This is not a case in which the applicant has been stagnating in his post without any promotional avenues. The recruitment rules were amended in 1984, which was about two years before the applicant joined the post of Scientific Officer (Mech.). The applicant has annexed to his application a copy of the seniority list of Scientific Officers (Mech.) as on 1.1.1988 from which it appears that his position is 14th. In other words, there

are several persons senior to him in service as Scientific Officer (Mech.). The applicant has stated that he belongs to the Scheduled Caste community and that the Scheduled Caste candidates have not been adequately represented in the department. The respondents have denied this allegation in their counter-affidavit. The applicant has not produced any evidence to indicate that the respondents have violated the instructions relating to the roster points to be maintained in regard to the representation of Scheduled Caste/Scheduled Tribes in the service. We also do not see any illegality or unreasonableness in the recruitment rules of 1983, whereby a degree in Mechanical Engineering or Metallurgy has been prescribed as essential qualification for appointment as Assistant Director (Mech.) through direct recruitment.

8. In the light of the above, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

*D.K. Chakravorty*  
(D.K. Chakravorty)  
Administrative Member

*P.K. Kartha*  
(P.K. Kartha)  
Vice-Chairman (Judl.)