

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2144/90 199
 T.A. No.

DATE OF DECISION 1-2-1991

Shri Amar Nath Dhayani & ors. Petitioner Applicants

Shri Ashok Aggarwal Advocate for the Petitioner(s) Applicants

Versus

Delhi Administration & anr. Respondents

Mrs. Ashoka Jain, Advocate for the Respondent(s)

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The Hon'ble Mr. P.K.KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D. K. CHAKRAVORTY, MEMBER(A)

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

(JUDGEMENT OF THE BENCH DELIVERED BY
 HON'BLE MR. P.K.KARTHA, VICE CHAIRMAN)

The applicants, who are working as Ahlmads in different Labour Courts/Industrial Tribunals, Delhi, under the Delhi Administration filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for issuing a direction to the respondents to consider the applicants for promotion to the post of reader carrying the pay scale of Rs.1200-2040 and to promote them as reader with retrospective effect and also to pay them the arrears of wages arising therefrom.

2. The facts of the case in brief are as under.

The applicants have been working as Ahlmads from various dates ranging from 1979 to 1986, on ad hoc basis in ex cadre posts. According to them, as and when reader of the Industrial Tribunal/Labour Court proceeds

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on leave, they used to perform duties of reader as well without receiving any additional remuneration. They possess all the requisite qualifications and experience which are required for appointment to the post of reader. They are well acquainted with the work and duties of a reader.

3. The pay scale of the applicants is the same as that of an L.D.C working with the respondents but as they are they are not allowed seniority as such L.D.Cs/belong to ex cadre posts. They are in the pay scale of Rs.950-1500. They claim promotion to the post of reader which is in the pay scale of Rs.1200-2040.

4. The respondents have not so far finalised the Recruitment Rules for the post of reader. In practice, the post of reader has been filled up from the category of Ahlmad on the basis of seniority.

5. The respondents have not disputed the basic facts mentioned by the applicants. Their plea is that the Recruitment Rules for the post of Ahlmad have been finalised in 1987. The question of regularisation of Ahlmads was taken up but due to "some administrative difficulties" the same could not be finalised. The Recruitment Rules for the post of reader have not yet been finalised by the Service

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Department and Draft Recruitment Rules are pending in the said Department.

6. The respondents have conceded that is ~~✓~~ there/stagnation in the matter of promotion of Ahlmads but they have raised the plea that this is due to the non-finalisation of the Recruitment Rules.

7. We have gone through the records of the case carefully and have considered the rival contentions. In a similar case, the Supreme Court has observed as follows:-

" Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly. We would, therefore, direct the State of Bihar to provide atleast two promotional opportunities to the officers of the State Police in the wireless organisation within six months from today by appropriate Amendments of Rules."

(Vide Raghunath Prasad Singh Vs. Secretary, Home (Police Deptt.), Government of Bihar and others, 1988(1) SCALE 567).

8. In the light of the aforesaid observations, the application is disposed of with the direction to the respondents to consider regularisation of

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Ahlmads in accordance with the Rules and to finalise the Recruitment Rules for the posts of Reader within a period of six months from the date of receipt of this order. They shall consider the suitability of the applicants and persons similarly situated for promotion/appointment to the posts of Readers in accordance with the Rules within a period of three months after the Recruitment Rules have been notified and brought into force as directed above.

Deekshant 1/2/89/
(D.K.CHAKRAVORTY)
MEMBER (A)

Om Prakash 1/2/89/
(P.K.KARTHA)
VICE CHAIRMAN