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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A.NO.2165/90
M.A.NO.3690/94

Decided on 07.02.1995

Hon'ble Mr. Justice S.C.Mathur, Chairman

Hon'ble Mr. P.T.Thiruvengadam, Member(A)

Shri Probho Singh
S/o Shri Kahan Singh
Research Officer
GS/SI Dte. AHQ
Ministry of Defence
Sena Bhawan
NEW DELHI

r/o 505, Sector-4
R.K.Puram
NEW DELHI.

..... Applicant

(By Shri M.L.Chawla, Advocate)
Vs.

Union of India through

1. The Secretary
Ministry of Defence
New Delhi.

2. The Joint Secretary & Chief & Administrative
Officer
Ministry of Defence,
NEW DELHI.

3. Additional Director General of Signal
Intelligence
GS/SI Dte. AHQ,
Ministry of Defence
NEW DELHI.

4. The Secretary
Union Public Service Commission
New Delhi.

5. Shri Ashok Kumar SRO
GS/SI Dte. AHQ
Min. of Defence
New Delhi.

6. Shri Ashok Kumar SRO
GS/SI Dte. AHQ
Ministry of Defence,
NEW DELHI.

..... Respondents

(Shri S.Ramalingam, SAO, Departmental Representative)
ORDER (Oral)

(Delivered by Shri S.C.Mathur, Chairman)

The dispute in the present application pertains
to promotion to the post of Senior Research Officer (Group 'A')

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in Signal Intelligence Directorate, General Staff Branch, Army Headquarters.

2. The applicant was holding the post of Research Officer. The next higher post which he could look forward for promotion was the post of Senior Research Officer. None of the Research Officers possessed all the eligibility qualifications and relaxation was made in respect of the qualification which all them lacked. On the basis of this relaxation, selection was held through Departmental Promotion Committee in December, 1989. At this selection

✓ Respondents 5 and 6 were selected and promoted in April, 1990. The applicant was not considered. When this mistake was realised, a review Departmental Promotion Committee met in July, 1990. At this stage, the applicant was also considered. However, he was not selected and again respondents 5 and 6 were selected and promoted. Respondents 5 and 6 are admittedly senior to the applicant. The applicants' plea is that he possessed all the eligibility qualifications and therefore, there was no occasion to relax the prescribed qualifications. This is the sole ground of challenges against the promotion of respondents 5 and 6.

3. The eligibility qualifications for promotion to the post in question have been prescribed in the recruitment rules known as the Ministry of Defence, Army Headquarters General Staff Branch, Signal Intelligence Directorate (Group 'A' Group 'B' posts) Recruitment Rules, 1988. The prescribed qualifications are:

a) Degree in Mathematics/Statistics/Mathematical Statistics or a higher qualification in the

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subjects from a recognised University/Institution.

- b) Diploma/Interpretership in one of the Foreign languages viz. Chinese, Burmese, Tibetan, Bhutanese, Nepali, Sinhalese, Indonesian, Malasian, Russian, Pushto, Persian and Arabic,
- c) A certificate/diploma in Computer Programming from a recognised University/Institution.

4. All the Research Officers possessed the first and second qualifications. About this there is no dispute between the parties. There is no dispute also on the point that respondents 5 and 6 do not possess the third qualification. The dispute is confined to possession of the third qualification by the applicant. While the claim of the applicant is that he possesses the qualification, the plea of the respondents is that he does not possess it.

5. In support of his plea that he possesses the third qualification the applicant relies on the training undergone by him in Computer Programming imparted by the IBM Delhi a subsidiary of IBM World Corporation, the well known Computer Company of the United States of America. The applicant was assigned to this training course by the respondent department itself. During this course the applicant was trained to man the system 360 Computers.

6. Undisputedly IBM is not a University. The question for consideration is whether it can be called a recognised institution. The applicant has not placed on record any

order of the Government or of the Organisation in which he is working, recognising IBM as a recognised institution. In the circumstances, the applicant has failed to establish that he possesses the prescribed qualification. Accordingly, the grant of relaxation by the respondents was not arbitrary.

7. The learned counsel for the applicant submitted that the qualifications possessed by an official are mentioned in his Annual Confidential Reports. He, therefore, pressed that the said reports may be perused by us in order to find out whether possession of the qualification is established from the respondents' own records. We have perused the ACRs and we do not find any statement therein to the effect that the applicant possesses certificate or diploma in Computer Programming from a recognised institution.

8. The departmental representative pointed out that the training imparted by the IBM cannot be equated with training by a recognised institution as the former training is of a very limited nature. It is confined to manning of the Computers manufactured by that corporation. We find substance in the submission. In paragraph 4.4. of the application the applicant has himself stated "this training was for manning the system 360 computers". In paragraph 4.4 of the reply the respondents have stated that the department had entered into a contract with the IBM for purchase of System 360 and certain officers were sent for familiarisation with the equipment. The contents of this paragraph have not been disputed in the rejoinder. It is apparent that the applicant obtained training for operating only the Computers purchased by the Department.

Such a training cannot be equated with a general training imparted by a training institution.

9. During the course of argument the learned counsel for the applicant produced before us a statement which was claimed to have been submitted by the applicant in the respondents office. The applicant claims to have communicated to his department through this statement that he had acquired the computer programming training. The applicant does not claim to have obtained any other training except the one imparted by the IBM. About that training we have already made our observations hereinabove. The statement does not advance the applicants claim.

10. In view of the reasons mentioned above, we find no merit in the application. The same is accordingly dismissed. There shall, however, be no order as to costs.

P. J. D.

(P.T. THIRUVENGADAM)
MEMBER(A)

7.2.95

(S.C. MATHUR)
CHAIRMAN

/RAO/