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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA.No.2225 of 1990

Dated New Delhi, this 13th day of December, 1994.

Hon'ble Shri J. P. Sharma, Member(J)
Hon'ble Shri B. K. Singh, Member(A)

Shri P. N. Bahuguna
R/o B-5/4, New airport Colony
Vile Parle (East) P.O. Sahar
Bombay Airport
BOMBAY 400099

...Applicant

By Advocate: Shri S. K. Bisaria

Versus

Union of India, through

1. Secretary
Ministry of Transport
Department of Civil Aviation
NEW DELHI
2. Director General of Civil Aviation
East Blocks II & III
R. K. Puram
NEW DELHI

...Respondents

By Advocate: None

ORDER

Shri J. P. Sharma, M(J)

The applicant was initially appointed as Aerodrome Operator Grade-I (Trainee) in November, 1966. He was, subsequently, after completion of training, appointed on regular basis to the said post in August, 1967 and he continued to work on the said post till December, 1981. He was subsequently promoted to the post of Aerodrome Assistant in December, 1981. This post is a feeder post to the Assistant Aerodrome Officer for which three years' regular service in the grade of Aerodrome Assistant,

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physical fitness and training is required. Certain persons were considered for the promotion to the post of Assistant Aerodrome Officer, but the applicant was ignored because the medical fitness certificate submitted by him was not found satisfactory by the authorities. When he filed the subsequent medical certificate on 26.5.85, he was promoted on ad-hoc basis after regular training with effect from 11.6.84. He was, therefore, transferred to Bombay where his services were transferred to National Airports Authority where he joined in May, 1986. It may be stated that the National Airports Authority was constituted by an Act of Parliament in 1986 and all the posts under the Ministry of Civil Aviation along with incumbents were transferred to the National Airports Authority primarily on deputation. The applicant continued to work there as Assistant Aerodrome Officer.

2. The grievance of the applicant is that certain persons were given regular appointment to the post of Assistant Aerodrome Officer with effect from 29.4.86 and such persons were junior to the applicant while the applicant was not granted this relief.

3. In this application filed by the applicant, after making unsuccessful representations in October, 1990, he has prayed for grant of relief that a direction be issued to the respondents to regularise the applicant to the post

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of Assistant Aerodrome Officer with effect from the date his juniors have been regularised and the seniority be fixed at the appropriate place in the cadre of Assistant Aerodrome Officer.

4. The respondents contested this application and opposed the grant of reliefs on a number of grounds stating that the applicant was duly considered by DPC, but he was not found fit, the promotional post of Assistant Aerodrome Officer being a selection post. It is further stated that the persons who have been considered for regularisation by the DPC belong to the reserved category and none of them was junior to the applicant.


5. It appears that the respondents have denied the relief to the applicant and also opposed the grant of relief on the ground that the applicant was not found fit by the DPC. The applicant in his rejoinder has reiterated the facts stated in the OA adding further that the post of Assistant Aerodrome Officer is not a selection post.

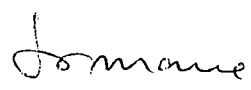
6. We heard the learned counsel for the applicant at length. During the course of hearing, the learned counsel pointed out that on the option given by the applicant for absorption in the National Airports Authority for the post of Assistant Aerodrome Officer, the National Airports Authority in consultation with the Ministry of Civil Aviation, absorbed the applicant on the post of Assistant Aerodrome Officer. The applicant continued to work in that post, but subsequently the respondents arbitrarily violating the principles of equity, reverted the applicant in June, 1990 to the post of Aerodrome Assistant which he

had challenged in the Delhi High Court and the Writ Petition is pending.

7. We find that a decision in this case may affect the right of the applicant vis-a-vis the National Airports Authority particularly in view of the fact that the applicant was absorbed on the post of Assistant Aerodrome Officer in 1989 and at that time the issue that the applicant is not a regular incumbent on the post of Assistant Aerodrome Officer, was not raised. The option of the applicant might have deferred as he had already been working since June, 1984 continuously till the date of absorption on the post of Assistant Aerodrome Officer.

8. In view of the facts and circumstances of the case, the learned counsel for the applicant does not want to press this application, and the same is dismissed as not pressed. We may mention that none appeared on behalf of the respondents.


(B. K. Singh)
Member(A)


(J. P. Sharma)
Member(J)

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