

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 142/91

New Delhi this the 19th day of December, 1995.

Hon'ble Shri N.V. Krishnan, Acting Chairman.

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

R. Rangerajan,
S/o Late Shri Ramaswamy,
Senior Draftsman (Mechanical),
Design and Drawing Section,
Central Road and Research Institute,
Delhi Mathura Road, Near Okhla,
New Delhi-110020.

...Applicant.

Applicant in person.

Versus

1. Union of India through
Secretary,
Ministry of Science & Technology,
Technology Bhawan, Mehrauli Road,
New Delhi.

2. Director General,
Council of Scientific and
Industrial Research,
Anusandhan Bhawan, Rafi Marg,
New Delhi.

3. Director,
Central Road Research Institute,
Delhi Mathura Road,
Near Okhla,
New Delhi.

...Respondents.

By Advocate Shri V.K. Rao.

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan, Acting Chairman.

This O.A. has been left part heard on a number of occasions. We have heard the parties today.

2. The applicant has prayed for the following directions:

(a) Issue a writ or direction inter alia declaring the impugned selection dated 27.6.90 held vide impugned Notice Advertisement No. 4(Post No. 4) issued by the respondent No.3, as illegal, unlawful, unconstitutional and void in the eyes of law;

(b) Issue a writ or orders commanding the respondents to appoint the applicant petitioner against the post of Senior Technical Assistant (Mechanical) w.e.f. from the date the vacancy existed (1981) against the reserved point of Scheduled Castes in the Roster maintained by the office of the Respondent No.3; —

(c) Admit the claim and petition of the applicant in the light of the facts and circumstances of the case;

(d) Direct the respondents to pay arrear of pay towards a difference in pay against the post of Senior Technical Assistant (Mechanical) for Design and Drawing Section in the pre-revised scale of Rs.550-900 which was later on revised as Rs.1640-2900 w.e.f. 1981 when the applicant was due to be appointed even on ad hoc basis but the same chance was given to a non-scheduled caste Shri S.K. Mukherji a prely uncompetent, unqualified and a non-technical hand under the cover of some vested interests;

(e) Appoint the applicant/petitioner as Technical Assistant Grade VIII (Group III) in the scale of Rs.1400-40-1800-EB-50-2300) from the day the vacancy existed against the reserved point meant for the scheduled caste and scheduled tribes in the Roster maintained by the CRRI/Respondent No. 3 by quashing the selection held on 27.6.90 vide Advt. 4/89.

3. We have already held on 9.8.1995, after hearing the learned counsel for the applicant, that the prayer relating to the selection of 1981 is barred not only by limitation but also by jurisdiction. In the circumstance, we have decided to consider the O.A. in respect of the reliefs relating to the selection proceedings arising out of the Annexure PB advertisement No. 4 of 1989.

4. The applicant contends that he is eligible for selection to one of the posts of Technical Assistant notified by this advertisement.

5. This is challenged by the respondents on the ground that the applicant, in the first place, does not have the necessary qualification stipulated in the Annexure PB advertisement and secondly, he being a Draftsman would be fit only to work in the design/drawing section of the institute which post has been reserved in that advertisement for a ST candidate. The applicant is only a SC candidate.

6. The applicant contended that he has challenged the qualifications specified in the Annexure PB advertisement which requires the candidates to have a B.Sc degree in Maths, Physics, Chemistry or B.Sc Agriculture or three years diploma in Civil/Mechanical Engineering from a recognised University/Institution. We asked the applicant to point out ^{in where} whether he has challenged the specification of this qualification and on what grounds the challenge has been made. He was unable to show any reference in the O.A. to a challenge to these qualifications. He referred to Ground No. 7 of para 5 which gives the grounds raised in the O.A. We have seen that ground. That refers to an entirely

different issue. He complains that the post which was allocated to the Mechanical in 1968 has now been changed to Civil in the advertisement. That is not the issue before us. It is thus clear that there is no challenge to the educational qualifications prescribed in the advertisement.

7. Admittedly, the applicant does not have the qualifications specified in the advertisement. His contention, however, is that he has an equivalent qualification and this equivalence has been accepted by the respondents long back. He has filed with his rejoinder dated 16.9.91 certain documents in support of this contention. One is an extract from a publication of the respondents under the title Integrated Recruitment and Assessment Scheme, Annexure-A3/colly. Para 6.10 thereof states that two-years diploma in Draftsmanship will be treated as equivalent to the minimum qualifications prescribed for Group III in respect of those Senior Draftsmen (Selection Grade) in position on 1.2.1981. Admittedly, the applicant possesses such a two-years diploma in Draftsmanship. The post advertised is also Group III. Hence, his claim is that he satisfies the prescribed educational qualifications. It was clarified on 31.10.95 that this paragraph 6.10 is a reproduction from the Integrated Recruitment and Assessment Scheme for Scientific and Technical staff which is a publication of the respondents corrected upto 1.10.1988. He has produced the book for our perusal. Para 6.10 is taken from that book. He has also filed along with rejoinder an extract of the merit and normal assessment scheme. In para 7.9 of this extract, it is stated that the two-years diploma in Draftsmanship will be treated

as equivalent to the minimum qualifications prescribed for Group III in respect of those Senior Draftsmen (Selection Grade) in position on 1.2.1981. This is an extract taken from the CSIR publication titled Merit and Normal Assessment Scheme for Scientific and Technical Staff from page 13 thereof. He, therefore, contended that he has necessary qualifications.

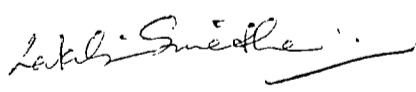
8. The respondents have filed an affidavit stating that the earlier extract was only a Draft which was not adopted by the respondents. What has been adopted is the merit and normal assessment scheme from which the second extract has been reproduced in the rejoinder. The learned counsel states that the two-years diploma in Draftsmanship will become equivalent to the prescribed qualifications only in respect of Senior Draftsmen who have got the selection grade on 1.2.1981. There grade is no averment as to what the selection/ was, in the O.A. The applicant states that the Senior Draftsmen were in the pay scale of Rs.380-560. It is stated that the selection grade is Rs.425-700. The applicant has produced for our perusal the office memo dated 4.7.1988 of the Central Board Institute which gives him the pay scale of Rs.425-700 notionally with effect from 19.6.1981 and actually from 1.9.1987. In the circumstances, it is clearly established that he was not in receipt of the selection grade on 1.2.1981. He, therefore, cannot claim that his qualification is equivalent to the qualifications prescribed in the advertisement.

9. In the affidavit filed on 11.9.1995, the respondents have stated that the applicant was appointed as a Senior Draftsman in the pay scale of Rs.1350-2200 with effect from 19.6.1981. As a matter of fact, Rs.1350-2200 is the revised pay scale which came into force later

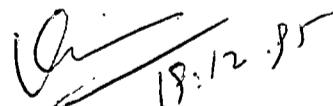
on. The respondents have pointed out that the post advertised in 1989 is in the grade of Rs.1400-2300 which the applicant has been granted from 19.6.1981 with retrospective effect, that is from the date of his appointment as Senior Draftsman. It is further pointed out that the applicant is in the pay scale of Rs.1640-2900 from 19.6.1988 which would be the post to which he would have been considered for promotion in June, 1995 had he been appointed as a Technical Assistant post against 1985 advertisement. The burden of this affidavit is to show that nothing has been lost to the applicant by his not being appointed in the 1989 selection.

10. We are of the view that this issue is entirely besides the point. The only question is whether the applicant was entitled for consideration. We have come to the conclusion that he has not been able to establish that he has/necessary qualification. This on that ground alone O.A. is liable to be dismissed/and accordingly, we do so.

11. The applicant has also filed M.A. 2041/95 for production of some records which in the circumstance has become infructuous and accordingly, it is dismissed.



(Smt. Lakshmi Swaminathan)
Member(J)


18/12/95

(N.V. Krishnan)
Acting Chairman

'SRD'