

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.145/91

Dated this the 6th of February, 1995

Hon'ble Mr. N.V. Krishnan, Vice-Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Shri Harjit Singh,  
S/o Shri Joginder Singh,  
Stores Assistant, Department of  
Electronics, Lok Nayak Bhawan,  
New Delhi.  
R/o WZ.122, Gali No.38,  
Uttam Nagar, New Delhi 110 059. ....Applicant

By Advocate: Shri Ashish Kalia.

versus

Union of India through

1. The Secretary, Government of India, Department of Electronics, Lok Nayak Bhawan, New Delhi.
2. Shri K.N. Ravindran, Senior Store Keeper/Stores Officer, Department of Electronics, Lok Nayak Bhawan, New Delhi. ....Respondents

By Advocate: Shri P.H. Ramchandani by Dr. J.C. Madan.

O R D E R (Oral)

(By Shri N.V. Krishnan)

This application has been filed claiming the following reliefs:-

"(i) the Recruitment Rules published on 25.10.90 being arbitrary, discriminatory and vindictive be declared null and void;

(ii) the Recruitment to the post of Stores Officer made on adhoc basis of Respondent No.2 being ineligible be set aside;

(iii) the Recruitment to the post of Stores Officer be made strictly in accordance with the Recruitment Rules 1983;

(iv) the Respondent No.1 be directed to consider Stores Assistant(s) and Senior Storekeeper which are not only identical but also similar in the nature of duties, responsibilities and scale of pay for promotion to the post of Stores Officer and make selection in accordance with the recruitment rules 1983."

2. The grievance of the applicant has arisen in the following manner:-

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2.1 The applicant is a Store Assistant (Rs.425-700), to which post, he has been directly recruited in terms of the Department of Electronics (Group 'B' and Group 'C') Rules, 1977. As amended by the amending rules notified in 1983 (Annexure A-8), the Store Assistant is eligible for promotion to the post of Store Officer in the pay scale of Rs.650-1200 (pre-revised). Admittedly, the corresponding revised pay scales are Rs.1400-2900 and Rs.2000-3200.

2.2 The 2nd respondent Shri K.N.Ravindran is a Senior Store Keeper. An extract of the recruitment rules in this regard has been produced at annexure A-9 by the applicant which indicates that it is on the pay scale of Rs.425-700 ie. the same as Store Assistant. The recruitment is by non-selection by promotion from the Store Keepers who have rendered 5 years service in the grade. Failing promotion, recruitment could be made directly, or by deputation or transfer. It is stated that the 2nd respondent is a direct recruit to the post of Senior Store Keeper.

2.3 The respondents have notified on 25.10.90 (Annexure A-1), the Department of Electronics (Group 'B' Gazetted Posts) Recruitment Rules, 1990, which provides for recruitment to the post of Store Officer (Non-technical)(Rs.2000-3200). This is a selection post and has to be filled up 100% by promotion, failing which, by deputation or transfer, failing which, by direct recruitment. The promotion is from among Senior Store Keepers in the scale of Rs.1400-2900 with 8 years service.

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2.4 The 2nd respondent, a permanent Senior Store Keeper has been appointed as Store Officer (Non-technical) on adhoc basis by Annexure A-2 order dated 22.11.90.

2.5 Aggrieved by this promotion, this OA has been filed seeking the above reliefs.

2.6 The contention of the applicant is that there is only one category of Store Officer in the revised pay scale of Rs.2000-3200 and it cannot be distinguished into Store Officer (non-technical) and Store Officer(Technical). It is contended that there is already a set of Recruitment Rules for the post of Store Officer (Annexure A-8) which was issued in 1983, which makes only Store Assistants eligible for promotion. There was, therefore, no need for the Annexure A-1 set of Rules, which notified the rules for filling up the post of Store Officer (Non-technical).

4. It is further contended that, in any case the applicant has better qualifications than the 2nd respondent to be considered for appointment as Store Officer (Non-technical). He has science qualification and he is eligible to become a Store Officer (Technical), a more responsible post dealing with technical store, while the 2nd respondent has only a general qualification and has no knowledge whatsoever of technical store. In the premises, it is urged that the Annexure A-1 recruitment rules is discriminatory

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and is liable to be quashed and that the recruitment to the post of Store Officer should be made only in accordance with the Annexure A-8 rules of 1983.

5. The 1st respondent has filed a reply contesting his claims. Their case is as follows:-

5.(i) There are two kinds of Stores. One is a non-technical store and the other is technical store. In so far as the technical stores is concerned, they can be handled only by persons (Store Assistants), who are conversant with them as they have special type of qualification while for the non-technical stores, such special qualification are not required. The details are given in Annexure R-1.

5.(ii) The post of Store Officer mentioned in the Annexure A-8 Rules can be filled up only by promotion of a Store Assistant like the applicant. No such post is vacant now.

5.(iii) The Senior Store Keeper is a post held by the 2nd respondent.

5(iv) Earlier, there was no further chance of promotion to a senior store keeper. In order to provide a channel for promotion to the Senior Store Keeper, the post of Store Officer (Non-technical) has been created in 1990 and the Annexure A-1 recruitment rules have been framed. The promotion to this post is restricted to the Senior Store Keeper only. The Store Assistant like the applicant, is not eligible for promotion to this post.

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5(v)- On the technical side, the post of Store Officer has already been filled by a Store Assistant like the applicant, who is senior to him.

5(vi)- The Store Assistant is also eligible to compete for promotion to the post of Section Officer in the Department of Electronics. That is, another avenue of promotion is also available to the Store Assistant.

6. The learned counsel for the applicant submits that Annexure-A-1 recruitment rules have been framed merely to favour the 2nd respondent. He brings to our notice an order dated 12.10.94, by which, the post of Senior Store Keeper has been abolished. This, according to him, shows that the post of Senior Store Keeper was created for the 2nd respondent and he was subsequently given an adhoc promotion as Store Officer (Non technical) on out of turn basis. There is no difference between the post of Store Officer mentioned in the Annexure-8\* Rules and the post of Store Officer (Non technical) mentioned in the Annexure-I Rules. However, the applicant should also be considered for promotion to the post of Store Officer (Non technical).

7. We have considered the rival contention. Obviously, two categories of persons are required to manage the Store. One set of persons handle Technical Stores in the highly technical Department of Electronics. The other set of persons handle non-technical stores required for house keeping jobs of any Department. That distinction is also reflected

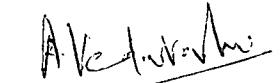
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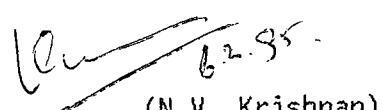
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in the method of recruitment to the posts of Store Assistant on the one hand and the Senior Store Keeper on the other hand. In the case of the former, the post is filled only by direct recruitment, failing which, by deputation by transfer. For that recruitment, the qualification required is that the candidate should be a Graduate in Science or Commerce or should have Diploma in Electronics Engineering. As against this, the post of Senior Store Keeper is to be normally filled by promotion, failing which alone, direct recruitment is resorted to. For that recruitment, the education qualification required is only a Degree from a recognised University.

8. The prescription of the channel of promotion is purely a matter of policy. Till 1990, only the Store Assistant had an avenue of promotion as Store Officer. That post was not open to Senior Store Keepers. Hence, an avenue of promotion was opened for Senior Store Keepers also. There is nothing irrational or discontinuity in this policy.

9. In ~~the~~ circumstances, we find that this OA has no merit and accordingly it is dismissed. No costs.

  
(Dr. A. Vedavalli)  
Member(J)

  
(N.V. Krishnan)  
Vice Chairman(A)

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