

Central Administrative Tribunal
Principal Bench

(25)

O.A. 2152/91

New Delhi this the 7 th day of February, 1997

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

Hon'ble Shri R.K. Ahooja, Member(A).

Shri Mahipal Singh,
S/o Shri Gopi Ram,
R/o 3146, Jawahar Colony,
NIT,
Faridabad.

..Applicant.

By Advocate Shri D.R. Gupta.

Versus

1. Director of Printing,
Ministry of Urban Development,
Nirman Bhawan, 'B' Wing,
New Delhi.
2. Manager,
Government of India Press,
Faridabad.
3. Shri Davinder Singh,
Mono Key Operator,
4. Shri Sudershan Singh,
Foreman,
(C/o Manager, Govt. of India
Press, Faridabad (Haryana))

..Respondents.

By Advocate Shri N.S. Mehta, Senior Standing Counsel.

O R D E R

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

The applicant is aggrieved by the order passed by the respondents changing his seniority in the cadre of Mono Keyboard Operators (MKO) showing his name below that of one Shri Sudershan Singh, a direct recruit of 1989.

2. The applicant has submitted that he was appointed as MKO with effect from 22.3.1982 on the recommendations of the DPC. Subsequently, he was reverted for the period from 4.12.1982 to 15.3.1983. Later, he submits that he received training for Photo-type-setting w.e.f.

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1.1.1989 and was promoted in that post w.e.f. 13.11.1990 and continues in that post till date. According to him, he is entitled to be considered in the post of MKO Foreman in the scale of Rs.1600-2660 as he was still holding a lien on the post of MKO.

3. The respondents have denied the above averments. They have submitted that as per the recruitment rules the appointment of the applicant as MKO was wrong ab initio w.e.f. 7.4.1988 as the recruitment rules which were notified on 28.12.1987 provided that the post was to be filled up (i) 50% by promotion failing which by deputation and (ii) 50% by direct recruitment failing which by promotion. In the recruitment rules, it has been provided that Compositor Grade-I with three years regular service in that grade, failing which Compositor Grade-I with combined service of 5 years in that grade and in the grade of Compositor Grade-II were eligible to be promoted. They have stated that the applicant has never been appointed as Compositor Grade-I and, therefore, he was not eligible to be promoted as MKO in accordance with the recruitment rules notified in 1987. As he did not fulfil the eligibility criteria provided under the rules, the question of seniority in the post of MKO vis-a-vis others does not arise at all.

4. In view of the above facts and rule position under the provisions of the recruitment rules, the applicant, who was not a Compositor Grade-I, was not eligible to be promoted as MKO after 1987. Therefore, his claim for seniority or regularisation in that post contrary to the rules cannot be sustained. Once his claim for appointment to the post of MKO is not sustainable, neither his claim for seniority nor for further promotion as MKO Foreman survives.

BC

5. In the result, we find no merit in the application. It is accordingly dismissed. No order as to costs.

R.K. Alooja
(R.K. Alooja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'