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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.2193/91

Date of decision: 24.11.92

Technical Executive (Anti
Pollution) Welfare Association
Registered

.. Applicants.

Versus

Commissioner, Deptt.
of Transport &
another

.. respondents.

Sh.Govinda Mukhoty
with Sh.Kunwar C.M.Khan
& Aftab Rashid

.. Counsel for the applicants.

Sh.Dinesh Kumar

.. Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh.A.B.Gorthi, Member(A).

J U D G E M E N T

(Delivered by Hon'ble Sh.Justice Ram Pal Singh, V.C.(J)).

Applicants in this O.A., is an Association, with its Chief Secretary, named as Technical Executive (Anti Pollution) of the Welfare Association. It is a registered body.

2. The members of this Association were recruited through Employment Exchange as well as in response to advertisement, in the month of August, 1987 as Pollution Level Test Inspectors (in short P.L.T.I.) in the pay scale of Rs.1640-2900 on sanctioned strength under the scheme "Control of Air Pollution from Exhaust of Vehicles". This Association has 46 members, which is registered. The members of this Association are discharging the duties/functions in the activities:-

- i) Driving test.
- ii) Inspection/verification of vehicles.
- iii) Fitness of vehicles.
- iv) Pollution Level test of Vehicles under the provisions of section 213 of the Motor Vehicles Act of 1988 and Rule 116 of C.M.V. Rules, 1989.

2. According to this O.A., filed under Section 19 of the Administrative Tribunals Act of 1985 the applicants are performing similar duties/responsibilities as other Motor Vehicle

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Inspectors . The applicants are, according to them, higher in qualification, grade (one step up) and senior to Motor Vehicle Inspectors whose promotional channel is already existing in the feeder post whereas the applicants though performing the similar duties have no promotional avenues. With regard to the qualifications and pay scale, refer annexure 'C'. According to the applicants the respondents are also going to recruit six Pollution Level Test Inspectors in the department as they are satisfied with the performance of the applicants. According to the applicants they have completed four years of service in the month of August, 1991 and will be eligible for consideration for promotion to the next higher post but the respondents have not initiated any step to formulate a policy providing promotional avenues to the members of the Association inspite of their representations dated 2.5.91 and 5.7.91. They further contend that an anomalous situation will be created when the Motor Vehicle Inspectors who are junior to the applicants and also in qualification shall gain seniority and also in pay scale when they are considered for promotion earlier than the members of the Association. They, therefore, pray for a direction to the respondents to open a channel of promotion in the existing Technical Cadre/ Posts in the department and to create additional posts in the existing Technical Cadre in the higher scale in proportion to the post of P.L.T.I.

3. Respondents, on notice, appeared and did not seriously oppose the contents of the O.A. They have virtually accepted the contentions of the applicants in their return. In para 8(i) of their return they have contended that the department is already deliberating on the subject but it will take some time, the recruitment rules are to be approved by the services department and then approval of U.P.S.C. is also essential, if they are to be promoted to gazetted posts. Gazetted notifica-

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tion is also essential. All these formalities will take ten years' time, because if the additional posts are created then the approval of Finance Department for budgetary provision will be essential.

4. We have heard the learned counsel for the applicant Sh.Govinda Mukhoty, senior advocate and Sh.Dinesh Kumar for the respondents.

5. In the case of Dr.M.S D.H.Hussain 1990(Suppl.)Supreme Court cases 688, the Apex Court has observed:-

"This Court has, on more than one occasion, pointed out that provisions for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective. Promotion is thus a normal incidence of service".

Similarly in the case of Raghunath Prashad Singh (1988(7) S.L.R. 5, their lordships of the Apex Court observed:-

"Reasonable promotional opportunities should be available in every wing of public service, that creates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospective, service is bound to degenerate and stagnation kills the desire to serve properly"

6. In the light of these observations we have also observed that the applicants are engaged in performing serious duty and fighting the problem of pollution which is a killer disease of the society. In view of this, we are of the opinion that it would be appropriate to direct the respondents to frame a set of appropriate rules inter-alia providing suitable promotional avenues to the applicants within a reasonable period, preferably within six months from the date of receipt of a copy of this judgement. In view of this and in view of the admission by the respondents, we would also direct that additional posts be created in the existing Technical

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Cadre in the higher scale in proportion to the posts of P.L.T.I.
This O.A. is thus finally stands disposed of in the terms
indicated hereinabove. Needless to say, parties shall bear
their own costs.

transposed
(A.B.GORTHI) 24 Apr. 92
MEMBER(A)

Santhi 24.4.92
(RAM PAL SINGH)
VICE CHAIRMAN(J)