

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A.NO.2599/91

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 20th day of September, 1996

P.Narayanawamy
s/o Shri R.Pichai
aged about: 43 years
r/o Qr. No.124-E,
Sector - IV
Pushpa Vihar
Near Saket
NEW DELHI.

and employed as :

Junior Technician Officer Grade-II
in Aviation Research Centre
Cabinet Secretariat
East Block, R.K.Puram
NEW DELHI.

... Applicant

By
(Shri B.B.Raval, Advocate)

Vs.

1. Union of India through
the Cabinet Secretary
Government of India
Rashtra-pati Bhavan
NEW DELHI.

2. The Director
Aviation Research Centre
Directorate General of Security(DGS)
Cabinet Secretariat
East Block-V, R.K.Puram
NEW DELHI - 110 066.

... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R

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

Applicant, who is an Ex-Air Force Sergeant
Grade-II claims that he had initially come on
deputation to the Aviation Research Centre (ARC)
under the Cabinet Secretariat as a Junior Technical

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Officer Grade-II on 3.2.1980 and had worked in that capacity till 3.2.1984. He came for a further term of deputation from 16.7.1984 to May, 1985. He alleges that on a promise for absorption in the ARC in the same capacity, he took retirement from the Air Force. However, after he underwent the formality of an interview with the ARC, he was offered the post of Junior Technical Officer Grade-II. Having resigned from the Air Force, he had no option but to accept the same. Later, the respondents, in order to favour some chosen officials decided that Junior Warrant Officers (JWOs) from the Air Force, who were working as JTO Grade-II could be considered for appointment as a JTO Grade-I. As a result three Ex-IAF officials who were junior to him in the IAF, were made JTO Grade-I in preference to him. He alleges that repeated representation at various levels, even that of the Cabinet Secretary, for not giving him appointment in accordance with the one held by him as a deputationist and according to the promise given to him, and in parity with his juniors in the IAF evoked no response whatsoever constraining him to approach this Tribunal.

2. The respondents controvert the allegations of the applicant. They state that no promise whatsoever was given to the applicant that he would be absorbed as JTO Grade-I. When the applicant had come on deputation, he was only adjusted against JTO Grade-I post for the purpose of drawal of salary and allowances. Further more, the requisition to the IAF was made only for JTO Grade-II and his record was requisitioned from the Air Force only on that basis. The respondents also refute the claim of the applicant that his juniors in the Air Force were made JTO Grade-I, as only those who were in

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the higher rank of Junior Warrant Officer in the Air Force were considered for JTO Grade-I. The applicant held the rank of Seargent, a lower appointment in the Air Force and was thus not eligible for consideration for direct appointment as a JTO Grade-I. The respondents also submit that in accordance with the Recruitment Rules framed later, the applicant was also considered for promotion to JTO-I but since he did not come up to the laid down minimum standard, he was not upgraded.

3. We have heard the counsel on either side. On consideration of the arguments on either side and the pleadings on record, we find that the applicant's case has no merit. The applicant came to the ARC of his own will and was offered the post as JTO Grade-II which he accepted. It is also not denied that all those JTO Grade-IIs which the applicant claims to be junior to him were in fact holding a higher rank in the Air Force. The applicant was also considered for promotion but was not found upto the mark. The learned counsel for applicant laid stress on two points. Firstly, that the applicant had been working as JTO Grade-I on deputation for a period of five years and that it is a matter of common sense that nobody who had worked in a higher position would opt to work in a lower rank. Obviously, the applicant must have been assured of his permanent absorption in ARC as JTO Grade-I otherwise, he would not have given up his career in the Air Force where he was due for promotion in his own trade as Junior Warrant Officer. We are unable to agree with this reasoning. The considerations for leaving the Air Force and joining the Civilian establishment include a longer service ~~than~~ and

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higher age of retirement, lesser number of transfers and lesser regimentation and discipline. The applicant himself admits that no written assurance or offer was made by the respondents to him that he would be appointed as JTO Grade-I on permanent absorption. If the applicant wanted to make sure, he should have waited before resigning his position in the Air Force, for an offer of appointment as a JTO Grade-I. We observe that he resigned from the Air Force with effect from 31.7.1985 and joined the ARC in October, 1984, and was offered an appointment order in ARC only on 07.10.1984. Thus, he was already out of the Air Force when he appeared for the interview for the purpose of Junior Technical Officer Grade-II in the ARC.

3. Shri B.B.Raval, learned counsel for applicant also contended that persons junior to the applicant had been given appointment as JTO Grade-I. The contention here is that the promotions in various technical trades in IAF take different time spans depending on the number of vacancies of Junior Warrant Officers. The promotions in some trades are slow because of smaller cadres while in some other trades, promotions are much faster. Learned counsel for the applicant submitted that certain Junior Warrant Officers who had lesser length of service in the Air Force, were appointed as JTO Grade-I in preference to the applicant. Be that as it may, ~~where~~ appointments had to be made on the basis of rank held in the IAF and not on the basis of relative length of service. Those appointed were admittedly in higher rank even though they may have had lesser length of service in the Air Force. Therefore, they could not be considered junior to the applicant. Hence, this argument of the learned counsel for the applicant cannot stand.

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4. We find that the applicant had been duly considered for promotion. He has mentioned certain grievances about the cut off point in two different selections and that this had also resulted in an adverse observation by the Director, ARC. We see no reason to go into this aspect, since the relief which the applicant seeks is that he should be appointed as JTO Grade-I from the date he ~~was~~^{was} appointed initially as JTO Grade-II in the ARC.

5. In the light of the above discussion, finding no merit/case for intervention, we dismiss the appeal. Parties will bear their own costs.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER(A)

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

/rao/