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Central Administrative Tribunal, Principal Bench

Original Application No. 914 of 2004

New Delhi, this the 13th day of April, 2004

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member(A)**

Mr. Suresh Govekar
Asstt. Commissioner (Equine Development/
Livestock Production),
Department of Animal Husbandry & Dairying,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi-1

....Applicant

(By Advocate: Shri Bapurao Pakhiddey)

Versus

1. Union of India.
Through: Secretary
Department of Animal Husbandry & Dairying,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi
2. Mr. Babu Ram,
Asstt. Commissioner (Carcase Utilization)
Department of Animal Husbandry & Dairying,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi
3. Mr. S.K. Dasgupta,
Asstt. Commissioner (CD)
Department of Animal Husbandry & Dairying,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi
4. Mr. S. Balasubramaniam.
Asstt. Commissioner (CD)
Department of Animal Husbandry & Dairying,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi
5. Mr. M.K. Saha,
Asstt. Commissioner (CD)
Department of Animal Husbandry & Dairying,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was initially appointed in the Extension Department of the Ministry of Agriculture as Senior Technical Assistant (Livestock). By virtue of the present application, he seeks quashing of the impugned order (Annexure A-1) dated 14.11.2003 rejecting his representation and seeks that he should be promoted on regular basis as Assistant Commissioner (Equine Development) which has been re-designated as Livestock Production and also as Deputy Commissioner from 18.5.86 and Joint Commissioner (Livestock Production) from 18.5.89. He also seeks that his date of birth should be treated as 20.11.1947 for purposes of superannuation.

2. We have heard the applicant's counsel. So far as the relief pertaining to correction in date of birth is concerned, the learned counsel during the course of submissions stated that he has already written to the Vidarbha Board of Secondary Education in this regard. As yet, the same has not been done. Keeping in view the said fact, it must be stated that qua the said relief, the petition is premature.

3. The main contention raised by the learned counsel has been that applicant is entitled to be promoted as Assistant Commissioner, Deputy Commissioner and Joint Commissioner. It is not disputed at the Bar that there are recruitment rules for the said posts. The post held by the applicant does not fall in the feeder cadre. In the

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absence of the post being in the feeder cadre, the right to be considered for the post will not arise.

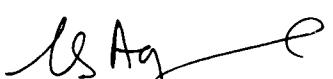
4. Learned counsel for the applicant contended that there was a proposal to amend the recruitment rules but the same was withdrawn with a malafide intention. At this stage, there is precious little for us to see in this regard that there were malafides. Ordinarily, this Tribunal will not interfere regarding framing of the recruitment rules. It falls within the domain of the concerned authorities. Resultantly, this contention must also fail.

5. As regards the last submission that he should be granted the Assured Career Progression Scheme benefit, the impugned order of 14.11.2003 indicates that the applicant has already earned two promotions and in that view of the matter, even the said Scheme will not come to the rescue of the applicant.

6. No other argument has been advanced.

7. Resultantly, the petition must fail and is dismissed in limine.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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