

Central Administrative Tribunal

Principal Bench : New Delhi

(11)

O.A. No. 2091/92

New Delhi this the 9th day of October 1997

Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Hon'ble Dr. A. Vedavalli, Member (J)

Shri Kishan Singh,  
S/o Shri Nar Singh,  
R/o D-301, Netaji Nagar,  
New Delhi.

.....Applicant

(By Advocate: Shri Mohd. Naimuddin )

Versus

1. Delhi Administration,  
through its Secretary,  
5, Alipur Road,  
Delhi.

2. The Chief,  
Rehabilitation Department.  
Delhi Administration,  
Jam Nagar, Shahajahan Road,  
New Delhi.

(12)

.....Respondents

(By Advocate: None)

ORDER (Oral)

By Hon'ble Shri S.R.Adige, Vice-Chairman (A)

Applicant seeks a direction to consider his case for the post of Skilled Helper in the pay scale of Rs. 950-1400 and alternatively for the post of Daftri in the pay scale of Rs. 775-1025.

2. Respondents do not deny that applicant has been working as Unskilled Helper since 1.8.1967. They contend that as per the recruitment rules he is not eligible or entitled to be promoted to the post of Daftry or Skilled Helper.

3. Shri Naimuddin has invited our attention to Finance Ministry's circular dated 13.9.91, whereby a provision for in situ promotion have been made for Group-D employee such as the applicant. The scheme in that circular covers all Group D employees who have not been promoted on regular basis even after one year on reaching

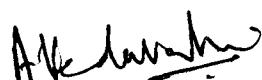
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the maximum of the scale of the post. We are informed that the applicant has reached the maximum of his scale, quite sometime back.

(13)

4. Shri Mohd Naimuddin has also invited our attention to the Hon'ble Supreme Court Judgement in Raghu Nath Prasad Vs Secretary Home Govt of Bihar 1988 (SUPP) SCC 519, whereby it has been held that reasonable promotional opportunities should be available in every wing of public office to generate efficiency in service and foster the appropriate attitudes, such that excellence in performance is achieved. That judgement went on to direct the State of Bihar to provide atleast two promotional opportunities to the officers of the State Police in the wireless organisation.

5. In the light of the aforesaid judgement of the Hon'ble Supreme Court in Raghunath Prasad Singh's case (supra), as well as the contents of Finance Ministry's O.M. dated 13.9.91 cited above, we dispose of the OA with a direction to the respondents to consider the applicant's grievances and pass a detailed speaking and reasoned order thereon in accordance with rules and instructions within two months from the date of receipt of a copy of this judgement. No costs.

  
(Dr. A. Vedavalli)

Member (J)

  
(S.R. Adige)

Vice-Chairman (A)

cc.