IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

(16)

O.A. No. 2412/92 & T.A. No. 2413/92 199

DATE OF DECISION 3.2.1998

Shri Ashok Kumar ~~Sharma~~ and Brij Lal — Petitioners

Shri S.K. Sawhney — Advocate for the Petitioner(s)

Versus

Director General, CSIR & anr. — Respondents

Shri V.K. Shali — Advocate for the Respondent

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

The Hon'ble Shri K. Muthukumar, Member(A).

1. To be referred to the Reporter or not? yes

2. Whether it needs to be circulated to other Benches of the Tribunal? X

Lakshmi S.

(Smt. Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O.A. 2412/92
and
O.A. 2413/92

(17)

New Delhi this the 3rd day of February, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

O.A. 2412/92.

Shri Ashok Kumar Sharma,
S/o Shri Sadhu Ram Sharma,
R/o 535, Arya Nagar,
Ghaziabad (UP). ... Applicant.

By Advocate Shri S.K. Sawhney.

Versus

1. Director General,
Council of Scientific and
Industrial Research,
Anusandhan Bhawan,
Rafi Marg, New Delhi.

2. Joint Secretary (Admn.)
Council of Scientific and
Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi. ... Respondents.

By Advocate Shri V.K. Shali.

O.A. 2413/92.

1. Shri Brij Lal,
S/o Shri Lachhman Dass,
R/o 3474, Raja Park,
Rani Bagh, Delhi.

2. Shri Jagdishwar Tyagi,
S/o Shri Het Ram Tyagi,
R/o 3474, Raja Park,
Rani Bagh, Delhi. ... Applicants.

By Advocate Shri S.K. Sawhney.

Versus

1. Director General,
Council of Scientific and
Industrial Research,
Anusandhan Bhawan,
Rafi Marg, New Delhi.

2. Joint Secretary (Admn.)
Council of Scientific and
Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi. ... Respondents.

(18)

By Advocate Shri V.K. Shali.

O R D E R

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

With the consent of the learned counsel for the parties, O.As 2412/92 and 2413/92 have been heard together as they involve common issues of facts and law and are being disposed of by this common order.

2. For the sake of convenience, the facts as given in O.A. 2412/92 are referred to, as was also argued by the learned counsel for the parties. The applicant had been appointed in the National Physical Laboratory as Technician in the scale of Rs.1350-2200. His next promotion is to that of Technican 8 in the scale of Rs.1400-2300 for which 7 years of service is required in the feeder post which has been declared as Group-II. The applicant claims that he is entitled to be treated as appointed in the post of Group-III in which case after 5 years of service he could have been eligible for promotion. The grievance of the applicant is that he has been treated as belonging to Group-II post as he is having only a 2 years diploma. He submits that he is also holding the National Trade Certificate/Diploma after 1 1/2 years academic study followed by 6 months In-Plant training. The applicants in both the application have submitted that whereas for the purpose of assessment promotion under the New Assessment Promotion Scheme of

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the Technical Staff in Group-II in the scale of Rs.1400-2300 a Bachelor in Science or a 3 years diploma in Engineering or equivalent is the prescribed qualification in the Scheme, in the case of Draftsmen, the respondents had taken into account the fact that there was no 3 years diploma in Draftsmanship which was available in any University/ITI in India, but that there was only a 2 years diploma course available. They had, therefore, given relaxation in qualification to the existing Senior Draftsmen for purposes of Assessment/Promotion Scheme in Group III as a special case, by the order passed in April, 1984, granting relaxation of the requirement of three years to two years diploma course in favour of the existing senior Draftsmen. In the circumstances, the applicants have stated that as there is no 3 years diploma course in their trade also, and there is only a two years dipoloma course, they claim that they should also be given parity of treatment with the Senior Draftsmen and be placed in Group III post.

3. The respondents have filed their reply controverting the above facts. They have stated that by the letter issued in April, 1984 they had treated 2 years diploma in Draftsmanship as equivalent to the minimum qualification prescribed for Group III in respect of those Senior Draftsmen (Selection Grade) in position on 1.2.1981, as a special case, for assessment to the next higher grade. They have submitted that the applicants are neither senior Draftsmen nor do they possess the qualification which is comparable to the qualification of Draftsman and hence these instructions were not

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applicable to them. They have stated that the NTC in the trade of Machinist plus one year in house training, as in the case of the applicant in O.A. 2412/92, cannot be treated as equivalent to a 3 years Diploma in Engineering/Technology which is the basic entry level qualification in their case. They have also stated that while there was no 3 years diploma in Draftsmanship available in the country, but diploma in Mechanical Engineering which covers the trades in which the applicants have been working is available. They have stated that the contention of the applicants that there is no 3 years diploma in their trade available in the country is not correct and, therefore, they have submitted that there is no discrimination between them and Draftsman.

4. The applicants in their rejoinder have more or less reiterated their stand in the application, namely, that they are entitled to be treated at par with the Draftsmen as they are similarly placed.

5. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties. It is settled law that it is for the rule making authority to prescribe qualifications and eligibility conditions for appointment and promotion in the relevant rules. From the materials on record, we are unable to accept the contention of the applicants that there are no 3 years dipoloma courses in their trades which are available in the country but only 2 years diploma courses. This was the reason why the respondents had taken a decision, as a special case, in the case of

Senior Draftsmen because they were satisfied that there was no 3 years diploma course in Draftsmanship in the country. In the circumstances of the case, the contention of the applicants that their 2 years diploma course should be treated as equivalent to 3 years diploma course, has no basis. In the facts of the case, therefore, it is not possible to hold that the action of the respondents in not accepting the contention of the applicants that they should relax the qualification in their case also, as was done in the case of Drafsmen, is arbitrary discriminatory or invalid, which justifies any interference in the matter.

6. For the reasons given above, we find no merit in these applications (O.A 2412/92 and O.A 2413/92) and they are accordingly dismissed. No order as to costs.

7. Let a copy of this order be placed in O.A. 2413/92.

(K.Muthukumar)
Member(A)

(Smt. Lakshmi Swaminathan)
Membeer (J)

SRD