

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

Date of decision: 18.2.93.

OA No.1121/92

...Applicants

Arvind Kumar and Others

Versus

...Respondents

Union of India & Another

CORAM:

THE HON'BLE MR. S.P.MUKERJI, VICE-CHAIRMAN.

THE HON'BLE MR. C.J.ROY, MEMBER(A).

...Mrs. Subhadra Chaturvedi,  
Counsel

For the applicants

...Shri A.K.Sikri, Counsel

For the respondents

JUDGMENT (ORAL)

(By Hon'ble Mr. S.P.Mukerji, Vice-Chairman) :

We have heard the learned counsel for both the parties on admission. The applicants who are degree holders in science and were recruited on that basis as Technicians in the Telecom Department in 1982 are claiming promotion to the upgraded post of Technical Assistant in the scale of Rs.1320-2040. It is admitted that while the Technicians are in the scale of Rs.975-1660, the posts of Technical Assistants are in the scale of Rs.1320-2040. It is also admitted that in accordance with the recruitment rules for the post of Technical Assistant at Annexure R-1 (at page 61 of the paper book), the employees possessing minimum qualification of 3 years' diploma in Electrical/Mechanical/Radio/Telecom./Electronic engineering are eligible for promotion. Since the applicants are not fulfilling this qualification, they have got no right to be considered for promotion as Technical Assistant. It is <sup>noted</sup> ~~considered~~ that the applicants have not been removed from service and are working as Technicians. The learned counsel for the applicants has claimed promotion on the basis that

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as persons holding the post of Technicians, it was given assurance to the them that degree holders will be given preference over diploma holders. Be that as it may, since the applicants claim promotion for <sup>the</sup> higher post of Technical Assistant for which statutory rules require diploma ~~holders~~ and since the applicants are not diploma holders, they cannot claim any right of promotion ~~as~~ being considered <sup>for</sup> to the post of Technical Assistant. It is established law that that Government can prescribe recruitment rules for different posts and even change the recruitment rules from time to time. The applicants do not have vested interest to be promoted as Technical Assistant. The application has no merit and is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

*W.L.M.*  
(C.J.ROY)  
MEMBER(J)

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*S.M.*  
(S.P.MUKERJI)  
VICE-CHAIRMAN