

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DA 1512/93

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New Delhi this the 17th day of August, 1998.

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

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

Shri S.R. Kalia
Assistant Tech. Officer,
ACS Palam Airport,
New Delhi.

C/O Stephen-Jog & Co.
1108, Prakashdeep,
Tolstoy Marg, New Delhi-1

... Applicant

(None for the applicant)

Versus

1. Union of India through
Secretary, M/o Civil
Aviation and Tourism,
Sardar Patel Bhawan, New Delhi.

2. Director General of Civil Aviation,
Technical Centre,
Opp. Safdarjung Airport,
Sri Aurobindo Marg, New Delhi.

... Respondents

(By Advocate Sh.V.S.R. Krishna)

WORDER (ORAL)

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

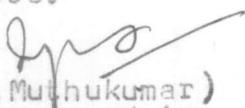
This is an expedited case and has appeared at Serial No.12 of today's cause list and on the last two occasions, i.e. 30.6.98 and 31.7.98, the case had been adjourned at the request of the proxy counsel for the applicant. None has appeared for the applicant even today on the second call, although we have waited till 3.15PM. In the circumstances, we have perused the DA and heard Shri Krishna, learned counsel for the respondents.

2. The short question in this application is that the applicant who was promoted to the post of Technical Assistant w.e.f. 21.2.1977 claims promotion to the post of Assistant Technical Officer in accordance with the Recruitment Rules namely, the Civil Aviation Department (Class-I and Class II

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(15) posts) Recruitment (Amendment) Rules, 1970 w.e.f. 26.7.82 when he completed 5 years of service in the grade of Technical Assistant as per Col.11(iv) of the Rules. The respondents have averred that in accordance with the aforesaid Col.11 sub para (iv) of the Recruitment Rules (Supra), the Technical Assistant on the date of promulgation of these rules and fulfilling the prescribed conditions shall be eligible for consideration for promotion without having to pass any qualifying examination vide Annexure 1 to the counter reply. The respondents have published this Rules in GSR 1191 dated 25.6.70. Applicant's own admission shows that he has relied on the same rules and also seeks reliefs under Col.11(iv) of the aforesaid rules. The applicant, however, submits that the Recruitment Rules for the post of Assistant Technical Officer were notified in 1977 which has been denied by the respondents. The respondents have submitted that the rules which are applicable are 1970 rules, namely, the Civil Aviation Department (Class-I and Class-II posts) Recruitment (Amendment) Rules, 1969 as amended in 1970. Applicant's own admission in para 4.2. of his application is that he has been promoted to the post of Technical Assistant in 1977. So admittedly, the applicant was not holding the post of Technical Assistant on the date of publication of the aforesaid rules and, therefore, he cannot claim benefit of promotion to the post of Assistant Technical Officer without having to pass any qualifying examination. Applicant on passing the qualifying examination for Senior Technical Assistant course in 1990, was promoted to the post of Assistant Technical Officer on regular basis w.e.f. 6.4.90 as provided in Col.11(iii) of the aforesaid rules.

In view of the foregoing discussions, we find no merit in the application and it is accordingly dismissed. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)