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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1538/93

Date of decision 18.8. 93

Sh.D.P.Singh

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Applicant

V/s

U.O.I.& Ors through
Secy.Ministry of Environment
& Forests

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Respondents

FOR THE APPLICANT

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Sh. V.S.R.Krishna, counsel

FOR THE RESPONDENTS

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Sh. N.S. Mehta, Sr.Govt.
Standing Counsel.

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Hon'ble Sh. I.K.Rasgotra, Member(A)
Hon'ble Sh. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT(ORAL)

(Delivered by Shri I.K.Rasgotra, Member(A))

The case of the petitioner is that he was recruited as Junior Technical Assistant(JTA) in the year, 1971. The promotional channel available to the petitioner in terms of the recruitment rules, 1985 was to the post of Senior Technical Assistant and to the post of Assistant Director. The post of Senior Technical Assistant is a selection post to be filled up by promotion from the cadre of J.T.A. with 5 years' regular service in the grade. The petitioner was promoted to the post of S.T.A in 1988 on the basis of the recommendations of the Departmental Promotion Committee. He had the basic

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qualification of Graduate in Agriculture. This is one of the qualification prescribed in the Recruitment Rules.

The next promotional post in the cadre is that of Assistant Director. The said post is a selection post which is to be filled by promotion/deputation in the ratio of 50 : 50 . The eligibility conditions for promotion to the post of Assistant Director is, 5 year's regular service in the grade of STA. Thus STA with regular service of 5 years is eligible for consideration for promotion to the post of Assistant Director. In fact, the ^{petitioner} was promoted as Assistant Director on ad hoc basis on 31.1.91 for a period of three months. He has continued in that post vide order of the respondents extending the adhoc promotion from time to time. His grievance is that on 19.5.93 revised recruitment rules were promulgated according to which the qualification of Graduate in Agriculture has been deleted. The petitioner, therefore, finds himself being rendered ineligible for consideration for regular promotion to the post of Assistant Director in accordance in with 1993, recruitment rules. Apprehending immediate convening of the D.P.C. he filed this OA under Section 19 of the Administrative Tribunal Act, 1985 to safeguard his interests. We admitted the original application and issued notice to the respondents on 28.7.93.

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2. Sh. N.S. Mehta, Sr. Standing counsel entered appearance on behalf of respondents and submitted that there was no proposal for convening a D.P.C. in the near future. The apprehension of the petitioner, therefore, is not founded on the factual position. The learned counsel further submitted that in the meantime the respondents were considering inclusion of 'Bachelor in Agriculture' qualification as additional subject in the recruitment rules, 1993. Until this issue is settled there is no proposal to send the requisition for holding the D.P.C. The petitioner, therefore, should have no apprehension on this score.

3. We have heard the learned counsel of both the parties. We are of the opinion that in view of the submission made by the learned Senior standing counsel for the respondents that until the amendment to the 1993 recruitment rules for including qualification of 'Bachelor in the Agriculture' for the post of Assistant Director is settled, no DPC is proposed to be convened should settle the grievance of the petitioner.

4. In view of the above facts and circumstances of the case and undertaking given by the respondents that DPC would be held only after issue regarding inclusion of 'Bachelor in Agriculture' in the qualification for the post of Assistant Director is settled, The OA at this/
stage

has become infructuous. The same is disposed of
in the light of the above observations, reserving
the liberty to the applicant to approach this Tribunal,
if so advised, in accordance with law.

B.S. Hegde
(B.S. HEGDE)
MEMBER(J)

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

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