

Central Administrative Tribunal
Principal Bench

O.A. No. 271 of 1993

New Delhi, dated this the 17th February, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. T.N. Bhat, Member (J)

Shri C.S. Chauhan,
S/o Late Shri Raghbir Singh,
Working as Hort. Asst.,
Dept. of Archeology, Delhi Admn.
R/o A-78, Meit Nagar,
Shahdara,
Delhi-110094.

... Applicant

(By Advocate: Shri M.K. Gupta)

Versus

1. Delhi Administration,
through its Chief Secretary,
5, Sham Nath Marg, Delhi.
2. The Development Commissioner,
Delhi Administration,
5/9, Under Hill Raod,
Delhi-110054.
3. Director Archeology,
Delhi Administration,
Dara Sheikho Library Building,
Engineering College Campus,
Kashmere Gate, Delhi.
4. The Secretary (Services),
Delhi Administration,
5, Sham Nath Marg,
Delhi-110006.

... Respondents

(By Advocate: Shri Surat Singh)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks to grant him promotional
avenues with all consequential benefits.

2. We have heard applicant's counsel Shri
Gupta and respondents' counsel Shri Surat Singh.

3. It is not denied that the applicant was appointed as a Horticulture Asst. in Archaeology Dept. in Delhi Administration on ~~14.11.1983~~ and ^{30.11.83} ~~14.11.1983~~ ^⑨ and continued on that post without a single promotion because the applicant's post is an isolated without any promotional opportunities in the cadre of Archaeology Dept. After correspondence between the Development Dept. and the Archaeology Dept., by letter dated 25.6.81, the post of Horticultural Asst. in the Archaeological Dept. was clubbed with the post of Horticultural Assistant in the Office of Development Commissioner, but respondents in their reply have stated that this clubbing was done only for the purposes of the Recruitment and not for any other purposes, and it is difficult to disagree with this contention, because as per the ^{27.4.82} ~~27.4.92~~ ^{⑩⑪} respondents notification dated ~~27.4.92~~ (Ann. A-7), the post of Horticultural Assistant in Archaeology Dept. held by the applicant was included in Col. 1 of Sr. No.3 of the Schedule for Group 3 and Group 4 posts in the Office of the Development Commissioner, only for the purposes of Recruitment.

4. Shri Gupta has invited our attention to DASS (Amendment) Rules, 1972 (Ann. A-4) by which certain technical posts in Development Commissioner's Office including that of Horticultural Asst. were included in the feeder categories for promotion to DASS Gr. I. It appears from Archaeology Department's letter dated 22.10.92 (Ann. A-14) that they were under the impression that the post of Hort. Asst. in the

^{⑩, ⑪} Corrected via
Court's order dated 26.8.95

dept. was also included in the feeder ~~challen~~ of DASS Gr. I but this impression was corrected by the Services Dept. in their letter dated 3.12.92 (Ann. A-15) wherein it was clarified that the post of Hort. Asst. was not included in the feeder challen of DASS Gr. I and even the technical posts of Development Dept. have been deleted from the feeder grade of the Organised Cadre. By that letter, the Archaeology Dept. was called upon to explore the possibilities of providing promotional avenues to the incumbents of the post of Hort. Asst. within the dept. itself.

5. Respondents' counsel Shri Surat Singh has very frankly admitted that the post of Hort. Asst. being an isolated post in the Archaeology Dept. it has not been found possible to provide promotional opportunities for the incumbents on that post.

In this connection Shri Gupta has invited our attention to the judgment of the Hon'ble Supreme Court in Raghunath Prasad Singh Vs. Secretary, Home (Police), Dept. of Bihar & Ors. 1988 (Supp.) SCC 519, in Para 4 of which it has been observed that:

" Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly. We would, therefore direct the State of Bihar to provide at least two promotional opportunities to the officers of the State Police in the

11

wireless organisation within six months from today by appropriate amendments of Rules."

6. In the light of the foregoing, we dispose of this O.A. with a direction to the respondents to consider providing the applicant suitable promotional opportunities, in the light of the Services Dept. own letter dated 3.12.92 as early as possible and preferably within a period of six months from the date of receipt of a copy of this order, if necessary by amending the appropriate recruitment rules, and while doing so also consider granting reasonable retrospectivity to the same.

7. The O.A. stands disposed of as above. No costs.


(T.N. BHAT)

Member (J)

/GK/


(S.R. ADIGE)

Vice Chairman (A)