

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

Nainital, this the 12th day of April, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

O.A. No. 1269 of 1998

1. Kewal Singh S/O Sri Rikhuram R/O Village & P.O. Nehru Gram, Dehradun.
2. P.C. Bamela S/O Sri Narettam Dutt R/O Village & P.O. Nehru Gram, Dehradun.
3. Shyam Lal S/O Sri Ram Lal R/O 31, Nai Basti, Chukhuwala, Dehradun.
4. S.K. Chakravarti S/O Sri Govind Mohan Chakravarti R/O 75, Old Dalanwala, Dehradun.
5. Kailash Chand S/O Sri Banwari Lal R/O Village & P.O. Kanwalia, Dehradun.
6. Guptar S/O Sri Mangru R/O 207, M.D.D.A. Colony, Dehradun.
7. Hajari Lal S/O Sri Mani Ram R/O 109, Hathibarkala Estate, Dehradun.
8. Chet Ram Singh S/O Sri Arjun Singh R/O 65, Ambedkar Marg-1 Near Nalagani Police Chowki, Dehradun.
9. Bhola S/O Sri Teta R/O Tarla Adhoiwala, Dehradun.
10. Anand Mani S/O Sri Chakradhar Prasad B/O 546-D, Shastri Gram, Dakra, Dehradun Cantt.
11. Mahabir Prasad S/O Sri Girdhari Lal R/O 1-C, Garhi Cantt., Dehradun.
12. Chander Prakash S/O Chintamani R/O Village & P.O. Metherawala, Dehradun.
13. Swami Nath Sharma S/O Ram Lechan Sharma R/O 224, Nai Basti, Chander Road, Dehradun.
14. Shambhu Saran Singh S/O Sri Nathuni Singh R/O 102, Old Dalanwala, Dehradun.
15. V. Kala S/O Sri Ghanshyam Prasad Kala R/O P-II-75, Yamuna Colony, Dehradun.
16. Banarsi Lal S/O Baru R/O 221, Nai Basti, Chander Road, Dehradun.

R.S.

17. Ramesh Kumar Thapa S/O Sri K.S. Thapa R/O Village & P.O. Balawala, Dehradun.
18. Manoj Kumar S/O Ganesh Bahadur R/O No.2, Adheiwala, Sumanpuri, Dehradun.
19. M.M.S. Rawat S/O Sri Chandar Singh Rawat R/O Village & P.O. Ambiwala, Pr-ernagar, Dehradun.
20. R.P. Mishra S/O Sri Kedar Mishra R/O 224, MDDA Colony, Dalanwala, Dehradun.
21. Ram Sajeevan S/O Sri Pacchu Lal R/O 96/1, Raishpana Road, Dehradun.
22. Mumtaz Ali S/O Sri Asgar Ali R/O 2-B, Sumanpuri, Adheiwala, Dehradun.
23. Nand Lal S/O Sri Anant Ram R/O Upper Tunwala, Raipur, Dehradun.
24. Om Prakash S/O Late Sri Fateh Lal R/O Pargati Vihar Talla Adheiwala, Dehradun.
25. Kushi Ram-I S/O Late Sri Hans Raj R/O 72, Nalapani Road, Dehradun.
26. Dwarika Prasad S/O Sri Ramraj R/O 107, Society Area, Clement Town, Dehradun.
27. Sri Khushi Ram-II S/O Late Sri Nanak Chander R/O Ving No.3, Barik No.23/10, Premnagar, Dehradun.
28. Dinesh Kumar S/O Late Sri Tara Chander R/O Sevala Kalan, Majra, Dehradun.
29. Guru Charan Singh S/O Sri Kirpal Singh R/O 37, Govind Garh, Dehradun.
30. Sohan Lal S/O Late Sri Mook Chand R/O H-142, Hathibarkela, Dehradun.
31. Raj Kamal S/O Late Sri Bal Krishan R/O Qr. No.60, Hashi Barkala, Estate, Dehradun.

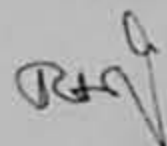
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.....Applicants.

Counsel for applicants.: Sri K.C. Sinha.

Versus

1. Union of India through the Secretary, Ministry of Science and Technology, New Delhi.



2. Surveyor General, Survey of India, New Cantt Road, Dehradun
3. Director, Map Publication, Barkala, Dehradun (91 Workshop).
4. Director Geodetic & Research Branch, Survey of India, Dehradun (92 Workshop).

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..... Respondents.

Counsel for respondents : Sri G.R. Gupta.

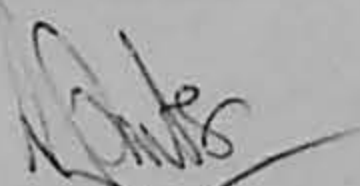
O R D E R (ORAL)

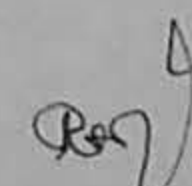
B-Y HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri K.C. Sinha, learned counsel appearing for applicants and Sri G.R. Gupta, learned counsel for respondents. We have also perused the pleadings.

2. The applicants, working as Artificer in the Department of Surveyor General of India, have instituted this application under section 19 of the A.T. Act, 1985 for issuance of a direction to the respondents to provide the promotional channel. Concededly there is no promotional channel for Artificer staff working in the office of Surveyor General of India. Legal position is well settled that the courts cannot issue a direction for creation of a post or cadre in order to eliminate stagnation which is basically an executive function. However, having regard to the pronouncement of Hon'ble Supreme Court in State of U.P. & others Vs. U.P. Rajya Vidyut Adhikari Karyalaya Kamchari Sangh 1993 SCC (L&S) 847, the O.A. is disposed of with the direction to the respondents that in case the applicants prefer a fresh representation to the Secretary, Ministry of Science and Technology, Government of India, New Delhi through Surveyor General of India for consideration of their request, the latter shall consider the feasibility of providing promotional avenues for Artificer staff working in the office of Surveyor General of India, if possible, within a period of six months from the date of receipt of a copy of this order along with the representation.

No order as to costs.


A.M.


V.C.