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Reserved

Central Administrative Tribunal,
Allahabad.

Registration T.A.No. 346 of 1987

I.D.Misra and 3 others ... Petitioners.

Vs.

Union of India and others ... Respondents.

Hon.D.K.Agrawal, JM
Hon.K.Obayya, AM

By Hon.D.K.Agrawal, JM

Civil Misc. Writ Petition No. 3248 of 1979 has been transferred to this Tribunal under the provisions of S.29 of the Administrative Tribunals Act XIII of 1985 and registered at the number indicated above. The prayer is for issue of writ in the nature of certiorari to call for the rules relating to promotion of Class III employees and quash them insofar as they offend Articles 14 and 16 of the Constitution of India. A writ in the nature of mandamus commanding the Respondents to promote the Petitioners on the posts of Asstt. Store Superintendent and Office Superintendent has also been prayed.

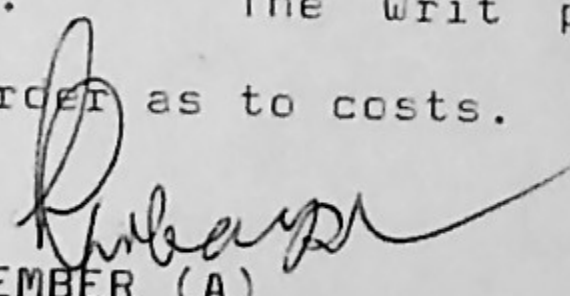
2. The facts are that the Petitioners, namely, I.D.Misra, P.N.Misra and S.D.Joshi were made to appear in a competitive examination on 2.4.1978 for recruitment to the post of Asstt. Store Superintendent in accordance with rules dated 19.1.1974 framed under Art.309 of the Constitution regulating the method of recruitment to the non-gazetted class III posts of Asstt. Store Superintendent in the Central Govt. Health Scheme (Annexure 1). Sri Prem Kumar, Petitioner no.4 was not eligible to appear in the examination and, therefore, he was not permitted to appear. However, Petitioner nos. 1 to 3 were not selected. Therefore, a writ petition was filed challenging the rules of recruitment annexed as annexure 1 to the

Dr. Aggarwal

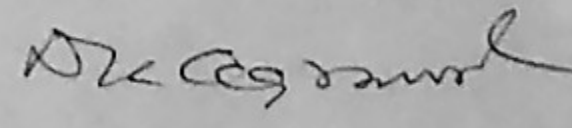
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writ petition which are rules for recruitment for class III posts other than the post of Asstt. Store Superintendent. The Petitioners had no locus standi to challenge the rules to the post other than Asstt. Store Superintendent. The controversy was only in regard to the selection to the post of Asstt. Store Superintendent. It is for this reason that confusing and vague allegations have been made in the writ petition. The rules dated 19.1.1974 which have now been filed by the Respondents as annexure 1 to the Counter Affidavit have not been challenged and in any case, grounds have not been set out for holding that the rules were violative of Articles 14 and 16 of the Constitution. The allegations in the petition indicate that the Petitioners want to allege that the Upper Division Clerks should not be eligible to the recruitment to the post of Asstt. Store Superintendent. However, the Respondents have alleged that they acquire experience of stores and, therefore, they have been made eligible. To us, it appears to be a valid ground as to why the Upper Division Clerks have been made eligible for appointment as Asstt. Store Superintendent. The reason as to why Pharmacists grade I and II or the Store Keepers have not been made eligible to the post of Office Superintendent is also understandable. The post of Office Superintendent is of ministerial nature. Such para-medical staff will not be able to meet the requirement of the post. In these circumstances, we do not find any force in the writ petition.

3. The writ petition is dismissed without any order as to costs.


MEMBER (A)

Dated Dec 18th 1989
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MEMBER (J)