

Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1190 of 1987
(Writ Petition No.4914 of 1983 of the)
(High Court of Judicature at Allahabad)

Shri A.N.Srivastava & Others Applicants

Versus

Director General, R.D.S.O.
Lucknow & Others. Opposite Parties.

Hon.Mr.Justice Kamleshwar Nath, V.C.

Hon. Mr. K.J.Raman, Member (A)

(By Hon.Justice K.Nath, V.C.)

The Writ Petition described above is before this Tribunal under Section 29 of the Administrative Tribunals Act, 1985. The relief claimed is to quash an advertisement, Annexure-5 issued some time in April, 1983 for recruiting Apprentice D/Man 'A' (Mech). There is also a prayer to direct the opposite parties to withdraw certain Recruitment and Promotion Rules which the opposite party No.1 proposed to enforce.

2. The applicants, 25 in number, belonged to the categories of Tracer or D/Man 'B' as the case may be. It is admitted that Tracers had the channel of promotion to the post of D/Man 'B'. It is also admitted that prior to the Rules framed in 1976, posts of D/Man 'B' used to be filled by promotion of Tracers to the extent of 50% on seniority-cum-suitability basis and the remaining used to be filled by direct recruitment; but the post of D/Man 'A' used to be filled primarily by promotion by selection from D/Man 'B' and

only in cases when suitable D/Man 'B' were not available then by direct recruitment. By the Rules of 1976, the percentage of posts filled by promotion from Tracers was dropped and the post of D/Man 'B' came to be filled by promotion from Tracers on seniority-cum-suitability; only if suitable Tracers were not available then those posts could be filled either by transfer or by direct recruitment. The posts of D/Man 'A' continued to be filled by selection from D/Man 'B' with the condition that ^{if} suitable D/Man 'B' were not available then they could be filled by transfer or by direct recruitment.

3. The impugned revision of Rules came in 1982. These Rules provided that D/Man 'A' were to be appointed from Apprentices D/Man 'A' recruited directly; such Apprentices were to (go under) certain training and a test after training prior to their appointment as D/Man 'A'. It was further provided that if after filling up of the vacancies from amongst Apprentices D/Man 'A', some vacancies still remained unfilled then those vacancies could be filled by promotion of D/Man 'B', but if suitable D/Man 'B' also were not available then they could be filled by transfer or direct recruitment.

4. The applicants' grievance is that by virtue of the Revised Recruitment Rules, their avenues of promotion to the post of D/Man 'B' and D/Man 'A' were adversely affected. They therefore claimed that the proposed revision of Recruitment Rules may not be given effect ^{to} and the impugned advertisement, Annexure-5 on that basis should also be quashed.

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5. The case in the counter was that even the Rules of 1976 and earlier Rules had some provision for direct recruitment although the extent of direct recruits would have been much less than what it is under the revised rules of 1982 but the provision for recruiting Apprentice D/Man 'A' became necessary because the cadres of D/Man 'B' could not provide for adequate number of persons to fill the vacancies of D/Man 'A'. In para 7 of the counter, it was stated that the sanctioned strength of the staff in Carriage, Wagon and Motive Power Directorates in the three categories was as follows :

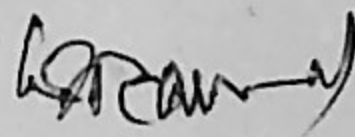
1. Tracers - 44
2. D/Man 'B' - 26
3. D/Man 'A' - 67

It was therefore urged that 26-posts cadre of D/Man 'B' could not cater for the 67-posts cadre of D/Man 'A' and therefore it had become necessary to provide for direct recruitment.

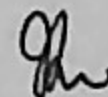
6. In para 6 of the rejoinder, some figures of the strength of the posts of Tracers, D/Man 'B' and D/Man 'A' were given but even there the number of posts of D/Man 'A' are stated to be 34 against only 15 posts of D/Man 'B'. The rejoinder also sets out the possibilities of vacancies in the succeeding 8 to 10 years.

7. It is not necessary to go into further details of the points raised in this petition because no one has

made appearance on behalf of the applicants and Shri A.V.Srivastava appearing on behalf of the opposite parties says, with reference to a letter dated 4.4.90 of the Directorate and placed before us, that in course of time the applicants have already been promoted to the post of D/Man 'A' or D/Man 'B' from their respective posts of D/Man 'B' and Tracer. The learned counsel also states that after the filing of this Writ Petition in the Hon'ble High Court, an interim order was passed on 19.9.83 whereby the opposite parties were permitted by the Court to hold the interviews but not to declare the results. The interim order seems to have remained in force; and Shri Srivastava says that in the meantime results have not been finalised and therefore appointment of Apprentices D/Man 'A' have not been made. The applicants, in the circumstances, cannot be said to have any subsisting grievance. The petition is therefore disposed of as infructuous.



Member (A)



Vice Chairman

Dated the 18th April, 1990.

RKM