

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
A_L_L_A_H_A_B_A_D

Dated : Allahabad this the 10th day of July, 1996.

CORAM : Hon'ble Mr. Justice B. C. Saxena, Vice-Chairman
Hon'ble Mr. S. D. Gupta, Administrative Member,

ORIGINAL APPLICATION NO. 1484 of 1992.

Bhagwati Prasad, aged about 50 years,
S/o. late Pandit Ganga Sahai,
Mohalla Thakurau, Billari,
District Moradabad.Applicant.
(BY ADVOCATE SHRI ANUPAM SHUKLA)

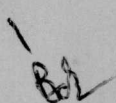
Versus

1. Union of India through its
Senior Superintendent, Post Offices,
Moradabad.
 2. Director General, Department of Posts,
Lucknow.Respondents.
- (BY ADVOCATE KM. SADHNA SRIVASTAVA)

O R D E R

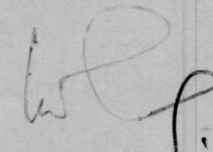
(BY HON'BLE MR. JUSTICE B. C. SAXENA, V.C.)

The applicant of this O.A. challenges the provisions contained in para 1.2 of the Scheme dated 11.9.1990, copy of which is Annexure-1. He has further prayed that the respondents be directed to hold Departmental Promotion Committee and to appoint the applicant in Group 'D' Service with retrospective effect and pay arrears and other admissible allowances with retrospective effect.

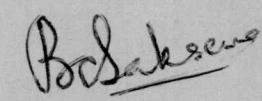
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2. As far as the challenge to para 1.2 of the Scheme is concerned, the only ground which is taken is that it is illegal, arbitrary and discriminatory without any rationale and has no nexus with the object sought to be achieved by the Scheme, and thus, it is violative of Article 14 and 16 of the Constitution of India. It is uniformly ^{applicable} ~~highlighted~~ to all who come within the scope of said provision. The applicant has not indicated that any arbitrary violation in applying the said provision of para 1.2 of the Scheme has been made at any time. The Scheme is not a statutory rule, ~~and~~ as it is well settled, that ^{for} a provision, ~~which is not for~~ in the nature of policy decision, ~~and~~ the authorities are fully competent to make the provision and a policy scheme keeping in view the requirement of service and the administrative exigency. The provisions of para 1.2 of the Scheme being the policy decision ~~and~~ cannot be interferred with.

3. The applicant therefore, is not eligible for appointment to Group 'D' post on account of his lacking to fulfil the age qualification. No other point arises or has been raised. The O.A. is accordingly dismissed.


MEMBER-(A)

(pandey)


VICE CHAIRMAN