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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

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Date of order : 22.01.2000.

O.A.NO. 356/95

1. Rajasthan Anushakti Karamchari Union, Phase II, Rawatbhata through its President Harish Kumar, S/o Shri Nathuram aged 36 years, Section Assistant, Rawatbhata, District Chittorgarh.
2. Basant Rao Maratha S/o Shri Madan Rao aged 38 years, Fireman 'B' Heavy Water Plant, Anushakti District Chittorgarh.

.....Applicants.

versus

1. Union of India, through the Secretary to the Government, Department of Atomic Energy, Anushakti Bhawan, Chatrapati Shivaji Maharaj Marg, Bombay.
2. General Manager, Heavy Water Plant (Kota), Anushakti District Chittorgarh.

.....Respondents.

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CORAM :

Hon'ble Mr.A.K.Misra, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member

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Mr.Vijay Mehta, Counsel for the applicants.  
Mr.Vineet Mathur, Counsel for the respondents.

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PER MR.A.K.MISRA :

The applicants have filed this O.A. with the prayer that the respondents be directed to give promotional opportunities to Fireman , Leading Firemen, and Sub Officers, within a period of 3-4 years at par with other technical staff i.e. Tradesman and Scientific Assistants.

2. Notice of the O.A. was given to the respondents who have filed their reply to which a brief rejoinder was also filed by the applicants.

3. The applicants have alleged that the applicant No. 1 is a registered trade union of the employees working under respondent No. 2 and Shri Harish Kumar, is its President and is duly authorised to file the O.A. The applicant No. 2 is affected employee and is working on the post of Leading Firemen 'A' in the respondent department. It is alleged by the applicant that the post of fire services including that of Fireman, Leading Firemen and Sub Officers were converted from auxillary to technical posts w.e.f. 1.11.1984 by order dated 29.4.1985 (Annex.A/2). It is also alleged by the applicant that technical/scientific staff other than Fireman, Leading Firemen and Sub Officers get opportunity of promotion within a period of 3-4 years and in a period of 9 years they get 3-4 promotions. But Fireman, Leading Firemen and Sub Officers get their first promotion only after completion of 9 years and on each promotional level it takes again 9 years for promotion to the next higher grade. Thus, there is lot of stagnation for promotion in the line in which the applicants are working. The applicants made representation to the respondents for redressal of their grievance and formulating a mechanism so that applicants may get promotion within 4-5 years as compared to other technical/scientific staff at each level of promotion.. But the demands of the applicants were not attended to by the respondents. Hence, this O.A.

4. The respondents have stated in their reply that the applicants' contention that they get promotion only after 9 years is not correct. The Firemen gets promotion as and when next promotional vacancy is available. The applicants cannot compare their case with other technical and scientific staff members who are more qualified and their promotions are regulated as per their performance in the scientific field. The avenues for promotion and norms are reviewed from time to time. Their

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meritorious performance is also considered for their next promotion. In any case, each individual promotional channel has got its own parameters and guidelines, therefore, promotional chances also differ from channel to channel. There is no discrimination so far as promotional avenues are concerned. The O.A. bears no merit and deserves to be dismissed.

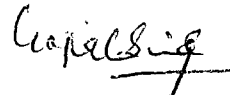
5. We have heard the learned counsel for the parties and have gone through the record. In our opinion, the applicants cannot compare their promotional chances with the scientific/technical staff members. Qualifications of both these channels/services are vastly different. The Government after considering the fair chance of promotion has provided that in a service career a Government servant should atleast get three promotions. In view of this, if the applicants get their promotion in a period of nine years or 10 years it cannot be said to be stagnation as alleged by the applicants. Needless to say promotions are accorded on the basis of seniority, availability of promotional posts, total number of promotional cadres and if promotion is by merit then individual merit. No straight jacket formula can be evolved so that each individual staff member may get promotion in 4-5 years. If the promotional posts are occupied by comparatively young persons then vacancy on superannuation would be few and far between. Naturally, this will affect the promotional chances of the junior but in such circumstances management cannot be blamed. The applicants shall have to take it as a part of the game. It is keeping in view such exigencies, it has been formulated that in total service career a Government servant may get three promotional chances. However, the management may consider the aspect of granting next higher scale to a candidate in his own line after a reasonable period say 7 to 9 years if the promotion is not given within the aforesaid period. But no direction can be given to the

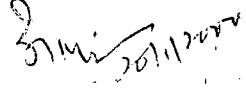
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respondents to give promotion to the applicants within a period of 3-5 years as compared to any other member of scientific/technical side.

6. We have also considered 1988 SCC (L&S) 927 - Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Government of Bihar and Others, and (1990) 13 ATC 812 - Zia-Ud-Din Versus Delhi Administration and Another, cited by the learned counsel for the applicants. In both these rulings policy of reasonable <sup>Promotional</sup> opportunity in public service has been propounded. Their cannot be two opinion about it. But in both these rulings, it has not been defined as to what should be the reasonable promotional opportunities and no time limit for promotion has been defined so as to examine the reasonableness of promotional opportunities. In fact, these rulings are factually different. In the first case two promotional opportunities were held to be reasonable. In another case working in the same scale for 23 years has been decided to be un-reasonable. In view of this, the question of reasonable promotional opportunities is required to be examined by the respondents. It is not for us to fix time limit for grant of each such promotion to the applicants.

7. In view of above, the O.A. in our opinion is devoid of merit and deserves to be dismissed. The O.A. is hereby dismissed with no orders as to cost.

  
(GOPAL SINGH)  
Adm. Member

  
(A.K. MISRA)  
Judl. Member

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J.C. Singhvi Adro  
(Hijay mehta)

Part II and III destroyed  
in my presence on 25-9-06  
under the supervision of  
section officer (I) as per  
order dated 25-9-06

Section officer (Record)