

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

T.A. No. 56/92

In

O.A. No. 234 of 1986

this the 4th day of February' 2000.

HON'BLE MR. A.V. HARIDASAN, Vice-Chairman  
Hon'ble Mr. J.L. Negi, Admn. Member

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Govind Prasad Nautiyal, S/o Ganga Ram Nautiyal, posted as  
Electrician/Electrical Fitter Grade-II, RDSO, Lucknow, R/o  
B-26/8, Manak Nagar, RDSO, Lucknow and four others.

Applicants

By Advocate : None.

Versus.

Union of India through Secretary, Government of India,  
Ministry of Railways, New Delhi.

2. Director General, Government of India, Ministry of  
Railway, Research Designs and Standards Organisation, Lucknow.

Respondents

By Advocate : Sri S. Verma

O R D E R

A.V. Haridasan, V.C.

The applicants five in number who were Electric-al  
Fitters in Electrical Maintenance Department of the Research  
Design Standards Organisation ( in short R.D.S.O.) Lucknow  
have filed this application seeking to have amended recruitment  
rules for appointment to the po st of Electrician/Electrical  
Fitter Grade-I notified in the year 1981, set-aside.

2. In the Electrical Maintenance Section, there are  
nine separate technical trades such as Electricial Fitters  
Wireman, Meter Reders etc. But according to recruitment and  
promotion rules prior to the impugned amendment Grade-II in  
all the nine categories were eligible for promotion to Grade-I.  
However, as per the impugned recruitment rules promotion to


Grade-I is limited to those in Grade-II of the concerned Grade. This according to the applicants has brought about a demerit in their chances for promotion. Therefore, they have filed this application praying that the impugned recruitment rules may be set-aside.

3. The respondents have filed a Reply Statement justifying the amendment to the recruitment rules on the ground that the amendment was made after proper deliberation by the competent authority in the interest of service.

4. The respondents have also filed additional reply affidavit in which they have indicated that all the applicants have been promoted as Electrical Fitter Grade-I during 1987 and subsequently.

5. When the application came up for final hearing today, none appeared for the applicant even on the second call. The learned counsel for the respondents stated that all the applicants have been promoted as Electrical Fitter Grade, that the applicant no.2 is no more, and therefore, the applicants may not be interested in proceedings further with this case. It appears that the applicants have lost interest in the case as all of them have been promoted as Electrical Fitter Grade-I and their grievance therefore, do not survive any longer. However, as amendment to the recruitment rules have been made by the competent authority after due deliberation to suit the requirement of service the Tribunal would not interfere unless it is established that the amendment has violated the provisions of articles 14 or 16 or is vitiated for any reason. In this case from the pleadings and other materials, it is not possible to discern that the impugned recruitment rules suffer from any such infirmities. The application is, therefore, dismissed leaving the parties to bear their own costs.

JL Dyer  
Member (A)

  
Vice-Chairman

Lucknow : Dated : 4.2.2000