

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP AT NAGPUR

(18)

O.A.457/87

Dr.Anand Tatte,
Dy.Director(Medical),
National Civil Defence
College,
Nagpur 440 001.

.. Applicant

vs.

Union of India and ors. .. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.G.S.Shukla
Advocate for
Applicant.
2. None for
respondents.

JUDGMENT:

(Per M.Y.Priolkar, Member(A))

Date: 22-7-1997

The applicant in this case is serving as Dy.Director(Medical) at the National Civil Defence College, Nagpur under the Ministry of Home Affairs, Government of India. His grievance is that he has not been considered for appointment as Director although, according to him, he was eligible and fulfilled all the necessary requirements for promotion to that post as laid down in the relevant recruitment rules.

2. In terms of the recruitment rules dated 3-2-1968, Deputy Director with 5 years service in the grade is eligible for promotion to the post of Director. Under recruitment rules dt. 21-10-1967, Assistant Director with 3 years service in the grade is eligible for promotion to the post of Dy.Director. The recruitment rules dated 21-1-1978 for the post of Dy.Director(Medical) provide for recruitment to this post by transfer/transfer on deputation failing which by direct recruitment, the essential

qualification being a recognised medical degree with 5 years standing in the profession. The respondents have stated in their written reply that under these recruitment rules, only Deputy Director and not Deputy Director(Medical) is eligible to be considered for promotion to the post of Director. They have also stated that the post of Deputy Director(Medical) is an isolated and temporary post which was created much after the Recruitment Rules for the post of Director had been in existence and it was never the intention of the Government to make Deputy Director(Medical) eligible for the multi-disciplinary post of Director. According to them, the feeder cadres for Deputy Director are Assistant Directors with three years service who are recruited directly except Assistant Director (Rescue) and their essential qualification contains experience in civil defence and as such a promoted Deputy Director not only possesses original qualification in Civil Defence before appointment as Assistant Director but also follows with experience as Assistant Director in theories and practicals both. The same is not true in respect of the newly created post of Deputy Director(Medical) created in August, 1977 which is still temporary and continued on year to year basis.

3. The applicant contends that both in an inspection brochure dated 3/4-11-1987 by Director General, Civil Defence and Annual Administrative Report for 1984 by the then Director, National Civil Defence College, both these posts of Deputy Director and Deputy Director(Medical) are shown as Deputy Director without any distinction and there is no evidence whatsoever to support the respondents' statement that Deputy Director(Medical) is not a

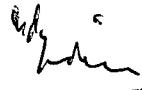
feeder post to the post of Director. He also submits that he has ample administrative experience in his previous posts and has also undergone practical training of $1\frac{1}{2}$ months duration encompassing various aspects of Civil Defence and cannot therefore be considered as having ~~any~~ ^{only} specialised qualification in Medicine and, therefore, ineligible for the post of Director.

4. It is clear from the existing recruitment rules that the posts of Deputy Director and Deputy Director(Medical) are distinct posts with entirely different qualifications and experience meant for discharging different duties. The recruitment rules for the post of Director make ~~any~~ only the Deputy Director eligible for promotion to the post of Director. The recruitment rules would have been amended if it was the intention of Government to make the post of Deputy Director(Medical) also eligible for promotion to the post of Director. We do not find any substance in the applicant's allegation of discrimination and violation of Articles 14 and 16 of the Constitution in making only the post of Deputy Director and not the post of Deputy Director(Medical) eligible for promotion to the post of Director, as there are separate recruitment rules based on different qualifications and experience for these two posts, which cannot be considered as identical posts in the cadre. It is well settled that framing of the recruitment rules with appropriate qualification and experience as also laying down the feeder cadres eligible for promotion is best left to the executive and Courts will not normally interfere in such matters. We do not find anything perverse or arbitrary in the impugned decision of the respondents dated 2.6.1986

(21)

that as per the existing recruitment rules for the post of Director, National Civil Defence College, only Deputy Director and not Deputy Director(Medical) is eligible for promotion to that post.

5. This is not, therefore, in our view, a fit case for interference by this Tribunal. The application is, accordingly, dismissed with no order as to costs.


(M.Y. PRIOLKAR)

Member(A)


(U.C. SRIVASTAVA)

Vice-Chairman

MD