

18

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 722/89.

~~TRANSFER APPLICATION~~

DATE OF DECISION: 22.9.1996

Shri Ananta Kumar Hansda, Petitioner

Shri G. K. Masand, Advocate for the Petitioners

Versus

Union Of India & Others, Respondent


Shri R. K. Shetty, Advocate for the Respondent(s)

CORAM :  
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The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri M. R. Kolhatkar, Member (A).

1. To be referred to the Reporter or not ? ✓
2. Whether it needs to be circulated to other Benches of the Tribunal ?

  
(B. S. HEGDE)  
MEMBER (J).

OS\*

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO.: 722/89.

Shri Ananta Kumar Hansda ... Applicant

Versus

Union Of India & Others ... Respondents.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J)

Hon'ble Shri M. R. Kolhatkar, Member (A).

APPEARANCE :

1. Shri G. K. Masand,  
Counsel for the Applicant.
2. Shri R. K. Shetty,  
Counsel for the Respondents.

JUDGEMENT

DATED : 22.9.94

[ Per. Shri B. S. Hegde, Member (J) ].

1. The applicant has filed this application on the ground of denial of promotion to the post of Meteorologist Grade-I or Meteorologist Grade-II in India Meteorological Service (Group 'A' Gazetted). The brief facts of the case are that the applicant has joined I.M.D. in the year 1954 and has worked in various fields of Meteorological Department and he was promoted to the post of Assistant Meteorologist in the year April 1980. He is a Bachelor Of Arts graduate and after his promotion to the post of Assistant ~~Meteorologist~~ he successfully completed the Advanced Meteorological Training within one year, failing which he was liable to be reverted, which is marked as Exhibit 'A' vide dated 27.03.1980. He completed the Advanced

Met. Training in March 1981 and was awarded a certificate.

2. His main thrust of argument is that he was asked to submit his bio-data in September 1988 and was asked to keep himself in readiness to attend the assessment for promotion to the post of Meteorologist Grade-I. By that time, he had completed more than 8 years of qualifying service in the cadre of Assistant Meteorologist. Nevertheless, he was not called for the assessment, against which he made a representation to the Secretary, Department Of Science and Technology. In reply, he was informed that as he did not fulfill the condition of eligibility, he was not called for assessment. Again, he made a representation to the Secretary, Department Of Science & Technology, for which the respondents replied by saying that the qualification for promotion to the Meteorologist Grade-I is "atleast 2nd class Masters degree in Science or Engineering". He further contends that there were many cases of Assistant Meteorologist possessing lesser qualifications than the applicant in the past as well as in recent promotion test of March 1989 who have been considered and promoted to the post of Meteorologist Grade-I. Though he insisted that his representation be sent to the Department Of Science & Technology, the respondents did not forward the same. His case rests apart from the question of validity of the rules, on grounds of hostile discrimination in the matter of relaxation of the qualifications as well as now following of the roster in favour of the ST Candidates visa-vis the Scheduled Castes. In these circumstances, the applicant is perforce to file this application and accordingly, he has prayed for the following relief :-

(21)

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- (i) To declare the Indian Meteorologist Service (Group 'A' Post) Recruitment Rules 1978 as illegal and ultra vires the provision of Constitution of India in so far as these Rules seek to prescribe qualifications of at least second class Master's degree in Science or second class degree in Engineering for promotion of Assistant Meteorologist to the post of Meteorologist Grade-I which was not there in the earlier rules in force.
- (ii) To direct the respondents to consider the claim of the applicant for promotion to the post of Meteorologist Grade-II in the year 1983 on the completion of Applicant's working in the post of Assistant Meteorologist for three years since April 1980, in accordance with the Recruitment Rules of 1969 and thereafter to consider the claim of the applicant for promotion to the post of Meteorologist Grade-I from 1986 and thereabouts on the basis of the Applicant's position in the seniority list and based on his record of service and after doing so, correct the date of the applicant's promotion to the post of Meteorologists Grade-I from 1986 instead of from 16.10.1991 and to give all consequential benefit in terms of arrears of pay and allowances, recomputation of pension and other retirement benefits.

- (iii) In the alternative, to direct the respondents to consider the case of the applicant for promotion to Meteorologist Grade-I after granting relaxation in educational qualification in the case of the applicant and to promote the applicant to the post of Meteorologist Grade-I retrospectively from March 1989.

3. The main contention of the applicant is that prior to 1976, recruitment and promotion in the India Meteorological Department was governed by Recruitment Rules known as India Meteorological Department (Class-I and Class-II Post) Recruitment Rules, 1969. Under these rules, entry into Group 'A' Service was to the post of Meteorologist Grade-II appointment to which was by two sources viz., 50% of the posts by direct recruitment through Union Public Service Commission and the remaining 50% by promotion of Assistant Meteorologist with three years qualifying service. So far as the posts of Meteorologists Grade-II are concerned, 50% of the posts are required to be filled up by direct recruitment and 50% by promotion. The posts are declared as selection posts and are classified as Class-I Posts. Those in the feeder cadre are required to possess 3 years of approved service in the grade to earn eligibility for promotion. So far as the posts of Meteorologists Grade-I are concerned, they are Class-I posts which are required to be filled by selection. The only method of recruitment is by promotion. The feeder category being Meteorologist Grade-II with three years of approved service in the grade. The scheme envisaged by the 1969 Rules thus makes it clear that a person who enters the cadre of Assistant Meteorologists can by promotion by selection become Meteorologist Grade-II and thereafter Grade-I

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by promotion by selection.

4. In the year 1976, the Government Of India appointed a Review Committee under the Chairmanship of Dr. Raja Ramanna for reviewing all the aspects of the working of the Meteorological Department, including rules governing recruitment, promotion, selection, etc. On the basis of the recommendation of Dr. Raja Ramanna, Chairman of the Review Committee, the Government Of India notified recruitment rules for only Group 'A' Service. The said rules are called the Indian Meteorological Service (Group 'A' Posts) Recruitment Rules, 1978, which superseded the relevant provisions of 1969 Rules in regard to Class-I posts, Meteorologist Grade-I and Grade-II.

5. His further contention is that under the old rules of 1969, the Assistant Meteorologists with a qualifying service of three years were eligible to be promoted to the post of Meteorologists Grade-II in Group 'A' Service, against the 50% quota reserved for promotees. However, under the new rules notified in 1978, recruitment to the post of Meteorologist Grade-II has been made by 100% direct recruitment and that the Assistant Meteorologist with qualifying service of 8 years has been made eligible for promotion to the post of Meteorologist Grade-I. The qualifications prescribed are atleast 2nd class Master's Degree in Science or IIInd class Degree in Engineering from recognised University or equivalent. In this O.A. he draws our attention that on a number of occasions, granted relaxation to a number of employees till the year 1989, which he has quoted at page 6 of the O.A. such as

one Shri B. B. Huddar, who is only a matriculate, was promoted to the post of Meteorologist Grade-I in 1979 after the notification of the new Recruitment Rules, 1978 came into force by relaxing educational qualification. Similarly, one Shri C. T. Thomas having only a degree in Science but not undergone Advance Met. Training was promoted as Meteorologist Grade-I in 1979 after relaxing educational qualification. Shri Faquir Chand and Late Shri M. R. Khan, the requirement of educational qualification was relaxed and they were promoted to the post of Meteorologist Grade-I in 1984. Similar circumstances in 1989, Sarvashri T. K. Roy, S. K. Das, A. K. Hansda, V. K. Gangadharan, P.B. Das and M. B. Sarkar, were promoted after relaxing the educational qualification. Since the respondents relaxed the educational qualification in so far as aforesaid persons, though the applicant is a Scheduled Tribe and he has completed the requisite number of years of service and training, however, his request for promotion to Grade-I post was rejected, on the ground that he is neither a 2nd class Master Degree Holder nor a Science Graduate as per the amended Recruitment Rules, 1978.

6. The respondents in their reply denied most of the contentions of the applicant and have taken a stand that the issue involved in this application is one of promotion, which is a management function and the Tribunal/Courts are not to interfere unless the action taken by the respondents are malafides or arbitrary. Since there is no malafides in this case, the question of entertaining the application of the

(25)

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applicant does not arise. Secondly, that the prescription of qualification for recruitment and change thereof in the year 1978 are the powers of the respondents, therefore, the Tribunal normally should not interfere in the policy decision, unless the policy decision taken by the respondents are malafides or against the statutory. It is true that the bio-data of the applicant has been called for and his request has <sup>been</sup> considered, however, he did not fulfil the condition of eligibility, hence he was not considered for the post of Meteorologist Grade-I. As per the Recruitment Rules, for the post of Meteorologist Grade-I, the Assistant Meteorologist, with 8 years approved service in the grade and those who possess atleast 2nd Class Master Degree in Science or Second Class degree in Engineering from a recognised University or equivalent are eligible for consideration. The applicant alongwith other officers who were eligible for consideration for promotion on the basis of approved service in the grade of Assistant Meteorologist, but did not possess the requisite qualification, were asked to keep themselves in readiness as their cases were recommended to the Government for relaxation of educational qualifications, so that they could be called to appear before the Board of Assessment, if Government agreed to relax the condition of qualifications. The Government relaxed condition of educational qualification from 2nd class M.Sc. to B.Sc. only in respect of officers belonging to SC/ST communities. As the applicant has only degree in Arts, the condition of educational qualification was not relaxed in his case by the Government. The respondents further submit



that the power to relax provisions of recruitment rules is available vide Rule 8 of the Recruitment Rules, which reads as follows :-

"Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons/posts".

In reply to para 6 of the application, the respondents stated that in respect of officers promoted as Meteorologist grade-I and named by the applicant, the condition of education qualification was relaxed by the Government as per the provisions of the recruitment rules. The Learned Counsel for the respondents further submitted that on earlier occasions, condition for educational qualification was relaxed by the Government without imposing any condition for minimum qualification, this time, the Government did not relax educational qualification beyond B.Sc and that too in favour of SC/ST candidates only and further, a concession once made cannot become a matter of right for enforcement before a Court of Law. He also stated that as per exhibit R-3, had the qualifications been relaxed in respect of the applicant, his name would not have come up for promotion because sufficient number of candidates belonging to SC/ST communities who were senior to the applicant were recommended as "fit for promotion" by the Assessment Board. Therefore, there is no discrimination in appointing the SC/ST candidates violating the seniority rules and it

is also denied that the change in the Recruitment Rules amounts to change in the service conditions. Therefore, they contend that the Recruitment Rules 1978 are legal and not ultra vires and the same was framed in accordance with the law.

7. We have heard the rival contentions of the parties and have carefully perused the pleadings. The short question for consideration is whether the applicant is justified in seeking promotion from 1989 in <sup>the</sup> facts and circumstances of the case. The main thrust of the arguments of the applicant is that the Recruitment Rules of 1978 is illegal and ultra vires and as per these rules the minimum qualification prescribed is second class Master Degree in Science or 2nd Class Degree in Engineering for promotion to the post of Meteorologist Grade-I which was not there in the earlier rule in force i.e. 1969. The difference between the 1969 and 1978 Rules is that in 1969 rules, entry in Group 'A' Service was to the post of Meteorologist Grade-II ~~was~~ 50% by promotion and 50% by direct recruitment, the same was made 100% by direct recruitment by virtue of 1978 rules. The Learned Counsel for the applicant <sup>states that</sup> 8 ST candidates who were eligible to be promoted of whom the applicant was the first to left out and there is obvious over-utilisation of SC quota in favour of ST quota and brought to our notice that the circular of the Department Of Personnel & Administrative Reforms dated 20.07.1974, which reads as follows :-

"While vacancies reserved for Scheduled Castes and Scheduled Tribes will continue to be reserved for the respective community

only, a Scheduled Caste Officer may also be considered for appointment against a vacancy reserved for Scheduled Tribes or vice-versa, in the same year itself in which the reservation is made, where the appropriate reserved vacancy could not be filled by a Scheduled Tribes or a Scheduled Caste candidate, as the case may be."

8. His further contention is that, though there were vacancies, the same were not filled in. The said contention is denied by the respondents stating that it is not the stand of the applicant that his juniors have been promoted as against the vacancies then existed. It is true that the 1978 amendment rules relaxed the qualification of SC/ST to the extent of B.Sc. degree and under 1969 rules, a person who has put in three years of service as Assistant Meteorologist, his eligibility is to be considered for the post of Meteorologist Grade-II and after three years of qualifying service in Grade-II, he is eligible to be considered for the post of Meteorologist Grade-I. Whereas, under 1978 rules, Assistant Meteorologists with 8 years approved service in the grade and those who possess atleast second class Master Degree in Science or 2nd class Degree in Engineering are eligible for consideration for the post of Meteorologist Grade-I. By virtue of this pre-requisite condition, the applicant is not found eligible for consideration for the post of Meteorologist Grade-I, as he did not possess the post-graduate degree. He is only a B.A. graduate, however,

he has passed the Advanced Meteorologist Training as required by the respondents and have put in 8 years experience, so he contends that the Government having relaxed the requisite qualification for the post of Meteorologist Grade-I from M.Sc. to that of B.Sc. for SC/ST's, therefore, the rejection of his candidature merely on the ground that he is not B.Sc graduate is not justified. Infact, he possesses B.A. degree and passed Advanced Meteorologist Training Course, therefore, under any circumstances, the degree of B.A. with experience cannot be said <sup>to be</sup> is not equal to B.Sc. degree as contemplated under the Rules.

9. In government service, promotion is normally, given in the order of merit by empanelling the eligible incumbents as per the recommendations of the Departmental Promotion Committee on the basis of seniority-cum-fitness criteria. Seniority, integrity, skill, efficiency and hard work and other abilities and qualities of the government servants constitute the basis of these criteria for promotion to higher posts/grades. It is true that promotion is a sort of implied right of a government servant once he fulfils the eligibility criteria. It is a method of keeping up the morale and motivation of the government servants and thereby to make use of their abilities and competitive potentialities for a better functioning of the Government Machinery. In this connection, the government has framed rules & regulations t-

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regulate the process of promotion in accordance with law. However, a perusal of the case-law on this subject indicates that the general recruitment and promotion rules and policies provided for by the Government from time to time are often either overlooked or misinterpreted to suit the convenience and interests of some of the officers in charge of recruitment and promotion. There is no effective machinery either to combat these unlawful practices or to impose suitable punishment on the erring officials. An average government employee hardly ventures to approach the courts for fear of reprisals in career, or because of financial or other problems. Moreover, access to courts is not easy because they insist on illegality or discrimination or violation of principles of natural justice in administrative actions for interference. However, our courts have not been inactive in this area. Infact, in many cases, the courts have rightly intervened and reviewed the administrative inactions or overactions and directed reconsideration of genuine cases in accordance with law, by the competent administrative authorities.

10. As stated earlier, the promotion is determined on the basis of several factors incorporated in the various rules framed by the Government for the purpose. Although, it is some what discretionary, promotion cannot be offered in contravention of the relevant rules and regulations. According to the recent decision of the Supreme Court Of India, in Syed Khalid Rizvi V/s. Union Of India 1994 SCC (L&S) 84, the compliance of conditions of recruitment are mandatory for appointment by promotion. Before giving effect to any promotion, it is incumbent on the part of the department to consider the cases of deserving officials on the basis of their seniority, qualifications

31

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and other relevant facts and circumstances, but not on the basis of any individual asseptions or presumptions. Normally, promotion to government servants have been denied for all or any of the following reasons :-

- i. adverse remarks,
- ii. discrepancies in the fixation of inter-se seniority of the government servants,
- iii. disciplinary/criminal proceedings pending or contemplated against the government officials, etc.

11. The applicant has been promoted to the post of Meteorologists Grade-I in the year 1991. However, he is asking for promotion from 1989 on the condition that the respondents have relaxed the qualification in so far as persons mentioned in page 6 of the O.A. However, the same relaxation has not been granted to him although he belongs to Scheduled Tribe Community and fulfils the other requisite qualifications, except the degree of post graduate. On perusal of the pleadings, we find that the reply/explanation offered by the respondents is cryptic and far from statisfatory. The relaxation clause can be resorted to by the respondents only in case of class/category of persons/posts. That does not seems to be the scenario in the present case. The only answer given by the respondents is that the condition of the educational qualification relaxed by the Government is as per the provision of the recruitment rules. Infact, they have relaxed in the case of individuals which is not warranted under the rules. Though the respondents have relaxed the qualification from Master Degree to B.Sc. degree in so far as SC/ST are concerned, the denial on the


(32)

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part of the respondents so far as the applicant is concerned that he is only possessing degree in Arts and that the condition of the educational qualification to the applicant could not be relaxed, does not seem to be justified either on the ground of equity or the circumstances under which the applicant joined the service and the service conditions and rules prevalent then. Apart from the Arts degree, the applicant has passed the Advanced Meteorologist Training Course and have put in the requisite number of years of service. Since the Advanced Training in Meteorology is included in the Indian Meteorological Service, 1991 as equivalent qualification prescribed under 1978 Rules. The said condition of post graduate was not there, therefore, rejection of his candidature merely on the ground that he does not possess B.Sc. degree is not warranted and not in accordance with law.

12. In the light of the above, having given due consideration to the arguments and the pleadings of the parties, the contention of the respondents, that it is a policy decision and hence it is not open to the Tribunal to interfere in such policy decision, is not tenable and the same is rejected. Accordingly, we allow the petition to the extent of reconsideration in the light of the aforesaid reasons and not on policy and direct the respondents to reconsider the case of the applicant for promotion to the post of Meteorologist Grade-I and to see whether any relaxation in educational qualification in the case of the applicant could be considered and treat the Arts degree possessed by the applicant on par with that of the B.Sc. degree, as per the recruitment rules of 1978 and see whether he would

be fit in for promotion in the year 1989 provided he had fulfilled the other conditions as required under the rules. The O.A. is allowed to that extent and the same is disposed of with no order as to costs.

  
(B.S. HEGDE)  
MEMBER (J).

[Per Shri M.R.Kolhatkar, Member(A)] Dt. .9.1994.

13. I am in agreement with my learned brother Member(J) regarding the final relief viz. a direction to the department re-consider the case of the applicant for promotion from 1989 in the relaxation of the rules. But, I would like to give my own reasons for this outcome.

14. The applicant has been working as Assistant Meteorologist since April, 1980. As a pre-condition for his confirmation in this post he has completed the Advanced Meteorological Training within one year of April, 1980. He is claiming the relief of promotion from the date his juniors were promoted, whether because they were qualified or whether in their case the Government chose to relax the qualification, viz. from 1.3.1989. It is not in dispute that the Recruitment Rules were amended w.e.f. 20.7.1989, so that departmental officers who have completed Advanced Meteorological Training also became eligible to be considered for promotion. The case of the department is that because there were no posts, he could be actually promoted only from 16.10.1991 as against the claim of the applicant to be promoted w.e.f. 1.3.1989. In this case, therefore, the following issues would arise for consideration.

1. What are the rules applicable to the case of the applicant.



34

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2. Whether he is in the zone of consideration, and
3. Whether his case is a fit case in which the minimum educational qualifications were required to be relaxed.

So far as the applicable rules are concerned, the question arises because the Principal Bench by its Judgment in T.A. No.16/90 decided on 20.2.1992 in the case of N.Y.Apte & Ors. V/s. UOI & Ors struck down 1983 rules also holding that 1978 rule do not get revived, and 1969 rules, insofar as, they relate to the promotion to the cadre of Meteorologist Gr.II and Meteorologist Gr.I stand) revived and (have) to be operated ~~from~~ w.e.f. the date on which 1983 rules came to be promulgated. It was in the context of this Judgment that the applicant had filed an amendment application which was allowed on 23.4.1993 to consider his case under the 1969 Rules. In the meanwhile, however, the Union of India went in SLP to the Supreme Court. The Supreme Court, thereupon, stayed the operation of the order/ ~~of the~~ Judgment of the Principal Bench. The amendment application, therefore, became infructuous. It was in this background that the matter was argued on 16.3.1994 before a Division Bench to which one of us was a party and as the orders passed by this Division Bench have pin pointed issues in dispute, the same order is reproduced for ready reference:

"Heard Shri G.K.Masand, counsel for the applicant and Shri R.K.Shetty, counsel for the Respondents.

2. At the beginning Shri Shetty submitted that this matter should not be proceeded with pending decision of the Supreme Court in SLP No. (C) 10011/92 which has been filed against the Judgment of the Principal Bench in T.A. No.16/90 of 1992 delivered on 20.2.1992, that Judgment set aside the amendment to 1978 Rules made in 1983 and therefore, 1978 Rules

also were deemed to have been set aside. The effect of that Judgment was to revive 1969 Rules. According to the Respondents, since the matter is pending before the Supreme Court it would be just and proper that the hearing of this OA may be deferred till the decision of the Hon'ble Supreme Court is available. The request is rejected in view of what is stated below.

3. Counsel for the applicant states that the applicant has retired and while it is no doubt true that the operation of the ~~decision of the~~ decision of the Principal Bench has been stayed by the Hon'ble Supreme Court, his case rests, apart from the question of validity of the rules, on grounds of hostile discrimination in the matter of relaxation of the qualifications as well as non-following of the roster in favour of the ST candidates vis-a-vis the SCs; for example, although it is stated by the Respondents that it is only in the case of SCs and STs that the qualification of Master's Degree in Science etc. has been relaxed, there is a case of one B.B. Huddar who was a Matriculate in whose case the relaxation was granted. There is also a case of one M.R. Khan who was Master of Arts in whose case relaxation was granted. But the applicant in spite of having undergone the advanced training in Meteorology and after having worked as a trainer and even though belonging to ST was not considered fit for relaxation. We note that in the seniority list annexed at Annexure R-3 the applicant is at Sl.No.293 PC Mandal (SC), Sl.No.292 has retired and Sl.No.291 Ram Dhari Singh belonging to SC was promoted in March, 1989 just prior to the filing of the application. According to the applicant, 8 ST candidates who were eligible to be promoted of whom he was the first were left out and there is apparently over-utilisation of SC quota in favour of ST quota. As the matter boils down to a very specific pleading, at this stage the counsel for the applicant has applied for time to seek instructions from the applicant. Time granted. Put up on 2.6.1994. To be treated as part heard. The Respondents to file a copy of the stay order of the Supreme Court. We also expect the Respondents to clarify the position regarding interchangeability as regards SC and ST quota. A copy of the order be given to both the parties."

15. It would thus be seen that so far as the question of applicable rules is concerned, the rules applicable are the rules as amended because the Hon'ble Supreme Court has stayed the Judgment of the Principal

Bench. The next question to be decided therefore, is whether the applicant is in the zone of consideration <sup>contentions of the</sup> because it is one of the Respondents that the applicant belongs to ST and that he is not in the zone of <sup>for promotion</sup> consideration and therefore, he could not be considered.

In response to our order dt. 16.3.1994 the Respondents <sup>copy of</sup> filed a 40 point roster. At the end of this roster it is mentioned that promotions made during 1989 were 50, the posts reserved for SC/STs were 11 and posts filled in by SC/STs were 11 and therefore there was no back log against which the applicant could be considered. However, our basic query is as to whether there was over utilisation of the SC quota at the cost of ST quota was not clarified by the Respondents.

<sup>same</sup> All the from the statement it is seen that Sl.No.36 falls on SC quota and Shri S.S.Avasthi has been promoted on 7.4.1989 against this post. Sl.No.37

is filled by Shri R.D.Singh who belongs to SC from We have referred this case in our order dt.16.3.94 12.4.1989. We can, therefore, take it that Shri R.D.

Singh has been promoted against SC point. Thereafter, in the second cycle Shri P.V.Rama Rao was promoted against an SC point although he does not belong to SC/ST, against Sl.No.4 Shri A.A.Faruqi was promoted against an ST point. It is, therefore, clear that since SC and ST points are interchangeable, the applicant who belongs to ST and whose quota appears to be under utilised could have been considered in the vacancy which was filled in by Shri P.V.Rama Rao on 1.5.1989 against the SC point. In our view, therefore, on the basis of the data made available by the department there is no <sup>holding that</sup> difficulty about the applicant falls in the zone of consideration. The next point then is ~~regarding~~

as to whether the applicant should be considered against an ST point by relaxation of minimum educational qualifications. We have noticed that Respondents have not followed a consistent policy in this regard. They have relaxed the minimum educational qualification of M.Sc. to B.Sc. even in the case of candidates not belonging to SC/ST. As we have observed above, even after coming into force of 1979 Rules, the Respondents have considered candidates having B.A. or M.A. as minimum qualifications. In the instant case, the applicant's qualification is B.A., but he also has the compensatory qualification of Advanced Training in Meteorology and he has worked as a Trainer. Therefore, his is a fit case to be considered for relaxation of qualification in consultation with UPSC, if necessary.

*M.R.K. Kolhatkar*  
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(M.R.KOLHATKAR)  
MEMBER(A)

O R D E R

We, therefore, in view of the above discussion allow the application to the extent of directing the department to re-consider the case of the applicant for promotion to the post of Meteorologist Gr.I by relaxation in educational qualification in view of the fact that he belongs to ST and has undergone Advanced Training in Meteorology and has worked as a Trainer and by treating him as falling in the zone of consideration from ~~1989~~ 1989 provided he fulfills other conditions as required under the rules.

The OA is allowed to that extent and the same is disposed of with no order as to costs.

*M.R. Kolhatkar*

(M. R. KOLHATKAR)  
MEMBER (A)

*B.S. Hegde*

(B. S. HEGDE)  
MEMBER (J).

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