

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 8TH DAY OF APRIL, 1987

Present: Hon'ble Justice Shri K.S.Puttaswamy ..Vice-Chairman
Hon'ble Shri L.H.A. Rego ..Member(A)

APPLICATION Nos.1486 and 1968/1986

P.K.Kumar,
No.5460, Civilian Trade Instructor,
MEG and Centre, Post Bag No.4200,
Bangalore-560042.

... Applicant

(Shri S.Ranganatha Jois .. Advocate)

VS

1. The Commandant,
MEG and Centre,
Post Bag No.4200,
Bangalore-560042.

2. The Union of India,
represented by its Secretary,
Ministry of Defence,
Army Headquarters,
New Delhi- 110011.

... Respondents

(Shri M.S.Padmarajiah .. Advocate)

These applications have come up before the Court
today. Hon'ble Justice Shri K.S.Puttaswamy, Vice-Chairman,
made the following:

O R D E R

These are transferred applications and are received
from the High Court of Karanataka under Section 29 of
the Administrative Tribunals Act, 1985 ('the Act').

2. The applicants are working as Civilian Trade
Instructors ('Instructors') in the office of the
Commandant, Madras Engineer Group and Centre, Bangalore

...2/-

(Commandant). The next promotional post to the applicants is that of Instructor-Foremen ('Foreman'). The recruitment to the post of foreman is regulated by Defence Services (Class III and Class IV Posts) Recruitment Rules, 1971 ('Rules'). Under these Rules, there is a quota prescribed for promotion and for transfer, failing which by direct-recruitment in the ratio of 50:50. The applicants claimed before the Commandant that the quota prescribed for the promotees had not been adhered to and they should be promoted against the quota reserved to them under the Rules. On an indepth examination of the same the Commandant by his memo No.2053/Adm/24/Elc dated 7.5.1985 (Annexure-C) has rejected the same. On 13-6-1985 the applicants approached the High Court in Writ Petitions Nos. 8946 and 8947 of 1985 which on transfer have been registered as Application Nos 1486 and 1968 of 1986.

3. The applicants have reiterated the very case pleaded by them before the Commandant. In their reply the respondents have justified the order made by the Commandant on 7.5.1985.

4. Sri S.Ranganath Jois, learned counsel for the applicants contends that in making promotions to the post of Foreman the Commandant had not adhered to the quota prescribed to the promotees in the Rules and had violated the same.

5. Shri M.S.Padmarajaiah learned central Government Standing Counsel sought to support the order of the Commandant.

6. On an examination of the representations made by one of the applicants viz., Applicant in Application No.1486 of 1986 which is identical to the case of the other applicant, the Commandant had stated that the Rules have been operated from the date of their promulgation and the quota prescribed to two sources had been adhered to by him. In that order, the Commandant had even stated that there are excess promotions and the same requires to be adjusted in the future vacancies. We have no reason to disbelieve the responsible statement made by the Commandant in his order dated 7.5.1985. Even otherwise, the records produced before us fully bear out the correctness of the statement made by the Commandant in his order dated 7-5-1985. When once we accept the statement made by the Commandant in his order dated on 7.5.1985, it follows that the grievance of the applicant that the Commandant had not adhered to the requirements of the quota Rule is wholly unjustified, unfounded and has no legs to stand. If that is so, the claim of the applicants has necessarily to be rejected.

7. Sri Padmarajaiah brought to our notice that the Departmental Promotion Committee ('DPC') constituted for the purpose had considered the cases of the applicants for promotion had empanelled them, and that they will be promoted in the order they have been empanelled. When that is so, there is hardly any justification for this Tribunal to interfere with any of the actions of the respondents and issue any directions to them.

8. In the light of our above discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss these applications. But, in the circumstances of the cases, we direct the parties to bear their own costs.

Ms. Prakash
Vice-Chairman *8/4/89*

[Signature]
Member(A) *8-4-89*