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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.97/91.

Shri G.K. Avhad,
C/o Shri M.T. Thacker,
Advocate, E-7/03,
Sector-1, Vashi,
New Bombay -400703.

.. Applicant.

V/s.

1. Union of India, through
Secretary,
Ministry of Food Processing
Industries, Government of India,
Panchasheel Bhavan, Khelgaon Marg,
NEW DELHI - 110 049,
2. Director General,
Fishery Survey of India,
Bombay - 400 001.
3. Secretary,
Union Public Service Commission,
Dholpur House, Shahajan Road,
NEW DELHI - 110 011.

.. Respondents.

CORAM : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman.
Hon'ble Shri M.Y. Priolkar, Member (A).

ORAL JUDGMENT

DATE: 28.6.1991.

¶ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman ¶

The applicant is an employee of the Food Processing Ministry, Government of India and at present working under the administrative control of Director General Fishery Survey of India. By means of this application the applicant has challenged the Employment Notice published in Employment Notice Bulletin on 22nd October, 1990 and 2.11.1990 inviting application from open market for the post of Fishery Scientist in the scale of Rs.2200-4000. The grievance of the applicant is that although there are statutory rules of the department

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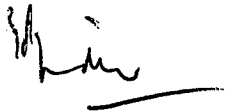
and the rules are to be revised every five years, years have rolled by but the rules have not been revised with the result that the post of Fishery Scientist is filled in by direct recruitment through the U.P.S.C., New Delhi and there is no promotional avenue open to the departmental candidates holding the post of Junior Fishery Scientist or Junior Scientific Assistant who can be considered for promotion to this post. The applicant has made several representations on this behalf, but with no response. The applicant has prayed that promotional avenues may be provided to all the posts and that all the posts should not be filled in by direct recruits and new comers should not be made to sit over their heads continuously.

2. In the written reply filed by the department it is stated that the Department has already recommended to the Central Government for amending the rules and for providing promotional avenue to the departmental candidates, but this matter takes time. As a matter of fact the revision of rules which is provided for every 5 years and from the year 1959 the rules have not been revised and the recommendation by the department has been made long back but no action as yet been taken. The Supreme Court has directed that promotional avenues must be provided to the departmental candidates and in this connection reference may be made to the case of COUNCIL OF SCIENTIFIC AND INDUSTRIES RESEARCH V. K.G.S. BHATT (AIR 1989 S.C.1972). The demand of the applicant appears to be genuine and in a welfare state provision for promotional opportunities for those who are working in the various departments appears to be essential. Accordingly this application is allowed to the extent that a direction is given to the Union of India to consider the question of

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amendment of the rules by providing promotional avenues to the departmental candidates also for the higher post. Let this be done and a final decision taken within a period of 6 months. In case the recruitment or the process of appointment is already started it should be stayed. Further appointments are also directed to ~~be~~ stayed. No order as to costs.



(M.Y. PRIOLKAR)
MEMBER (A).



(U.C. SRIVASTAVA)
VICE CHAIRMAN.