

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 11 JAN 1995

Miscellaneous APPLICATION NO: 582 of 1994 in O.ANO.666/94.

APPLICANTS:- Sri. Lakshmikantharajurs,
V/S.

RESPONDENTS:- Secretary, Ministry of Agriculture,
New Delhi and four others.

I.

1. Sri.M.Narayanaswamy, Advocate,
No.844, Upstairs, Fifth Block,
Rajajinagar, Bangalore-560010.
2. Sri.M.Vasudeva Rao,
Additional Central Government Standing Counsel,
High Court Building, Bangalore-560 001.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 02-01-1995.

Issued on

11/01/95

o/c

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Sh. Lakshmi Kanth Raju vs. ^{v/s} Secy. M/o. Agriculture, N. Delhi & 408

Application No. 666 of 1994

ORDER SHEET (contd) MA No. 582/94

Date	Office Notes	Orders of Tribunal
		<div data-bbox="815 665 1176 792"> <p>PKS(VC) TUR(MA) 2.1.95</p> </div> <div data-bbox="838 803 1528 1285"> <p>Heard. In the circumstances, extension of time sought for is granted. M.A. No. 584/94 filed for extension of time stands disposed of.</p> </div> <div data-bbox="885 1343 1466 1492"> <p>Sd- Sd- M(A) VC!</p> </div> <div data-bbox="501 1435 870 1813"> </div> <div data-bbox="972 1503 1403 1802"> <p>TRUE COPY. <i>[Signature]</i> Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p> </div>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 21 SEP 1994

APPLICATION NO: 666 of 1994.

APPLICANTS:- Sri.Lakshmi Kanth Raja Urs
V/S.

RESPONDENTS:- Secretary, Ministry of Agriculture, N Delhi
and four others.

T.

1. Sri.M.Narayanaswamy, Advocate,
No.844, Upstairs, Fifth Block,
Rajajinagar, Bangalore-560010.
2. Sri.M.Vasudeva Rao,
Addl. Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.
3. The Secretary,
Ministry of Agriculture,
Krishi Bhavan, New Delhi-110001.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
--XX--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 05-09-94.

Issued on
21/9/94 B

o/c for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.666/1994

MONDAY THIS THE FIFTH DAY OF SEPTEMBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER(A)

Lakshmi Kanth Raja Urs,
aged about 52 years,
Assistant Statistician,
Central Poultry Breeding Farm,
Hesaraghatta,
Bangalore North

Applicant

(By Advocate Shri M.N. Swamy)

v.

1. The Government of India
rep. by its Secretary to Govt.
Ministry of Agriculture,
Krishi Bhavan,
New Delhi - 110 001

2. The Commissioner(A.H.),
Department of Animal Husbandry
and Dairying, Ministry of
Agriculture, Govt. of India,
Krishi Bhavan,
New Delhi - 110 001

3. The Director,
Central Poultry Breeding Farm,
Hesaraghatta, Bangalore North,

4. Dr.P.P. Sharma, Major,
Assistant Director,
Central Poultry Breeding Farm,
Hesaraghatta,
Bangalore North

5. Dr.L.M. Satpathy, Major,
Assistant Director,
Central Poultry Breeding Farm,
Bhubaneswar, Orissa

Respondents

(By Addl.Central Govt.Standing
Counsel, Shri M.V. Rao)

ORDER



MR. T.V. RAMANAN, MEMBER (A)

Admit.

2. We have heard the learned counsel for the applicant and Shri M.V. Rao, learned Addl. Central Government Standing Counsel appearing for R-1 to 3.

3. It is rather painful to notice that the applicant has been with the Central Poultry Breeding Farm (CPBF for short), Bangalore, as Assistant Statistician, the only post of its kind in the said organisation, for the last 23 years now without securing a single promotion in his line. Apparently, seeing other similarly placed or placed in lower pay scales in other disciplines in the organisation getting promoted to newly created higher posts, the applicant has been pursuing his case for promotional avenues for quite some years now. In the application filed before this Tribunal, there are references to the Head of CPBF, Bangalore, and Heads of other CPBFs at other places recommending creation of higher posts for promotion of the holders of the posts of Assistant Statistician, ^{and} an expert also recommending promotional avenues for the holders of the posts of Assistant Statistician. It is seen that the Department itself at the highest level wanted a cadre review to be done in order to provide promotional opportunities to those

working in various CPBFs which are located, apart from Bangalore, at few other places also, but nothing came out of all this for the betterment of the holders of the posts of Assistant Statistician.

4. After having heard the arguments from both sides, we find that grave injustice has been meted out to the applicant in that he has been holding the post of Assistant Statistician for nearly twenty five years without a single promotion. No promotional avenues have been created despite well-meaning intentions on the part of his superiors. Naturally, the applicant continues to remain aggrieved. In a number of cases, the Supreme Court has dealt with lack of promotional opportunities to employees. Some of the cases dealt with by the Supreme Court and the observations made therein are re-produced below:

1. Raghunath Singh v. Secretary Home (Police) Department, Government of Bihar - AIR 1988 SC 1033

"Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospect, the service is bound to degenerate and stagnation kills the desire to serve properly. We would, therefore, direct the State of Bihar to provide at least two promotional opportunities"

2. Council of Scientific & Industrial Research v. Bhat K.G.S. - AIR 1989 SC 1972

"The person is recruited by an organisation not just for a job, but for a whole career. One must, therefore, be given



an opportunity to advance. This is the Oldest and most important feature of the free enterprise system. The opportunity for advancement is a requirement for progress of any organisation. It is an incentive for personal development as well. (See: Principles of Personnel Management by Flipo Edwin B, 4th Ed.p.246). Every management must provide realistic opportunities for promising employees to move upward. "The organisation that fails to develop a satisfactory procedure for promotion is bound to pay a severe penalty in terms of administrative costs, misallocation of personnel, low morale and ineffectual performance, among both nonmanagerial employees and their supervisors." (See: Personnel Management by Dr. Uday Pareek p.277). There cannot be any modern management much less any career planning, man-power development, management development etc. which is not related to a system of promotions. (See: Management of Personnel in Indian Enterprise by Prof. N.N. Chatterjee, Chap.12, p.128)."

3. Hussain O.Z. v. Union of India - AIR 1990 SC 311

"This Court, has on more than one occasion, pointed out that provision for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective."

We rely on the aforesaid observations of the Supreme Court. While we are in full agreement with the applicant that there are no promotional avenues provided in his case, his being an isolated post in the organisation for which he is working, we cannot quash as prayed for by him Annexure A-5, the order dated 13th February, 1994, by which Dr.P.P. Sharma, Hatchery Officer and Dr.L.M. Satpathy, Veterinary Officer have both been promoted on ad hoc basis to the posts of Assistant Director in the CPBF, Bangalore in which the applicant is also an employee. The reason is simple. Both Dr. Sharma and Dr. Satpathy

are technical personnel possessing technical qualifications and functioning in a different line than the applicant who is an Assistant Statistician. The duties of the post of Assistant Statistician and those of Hatchery Officer and Veterinary Officer are quite different. The essential educational qualifications for the post of Assistant Director of CPBF is a Degree in Veterinary Science or Agriculture of a recognised University or equivalent, post graduate training in Poultry Husbandry and three years experience in running a large Poultry Farm or Research Institution in Poultry Development. More or less, similar educational qualifications have been prescribed for the posts of Hatchery Officer and Veterinary Officer which are feeder posts for promotion to the posts of Assistant Director. Obviously, the applicant being only a Statistician possessing a M.Sc. Degree in Statistics cannot be considered for the post of Assistant Director, recruitment to which have technical qualifications as stated above. For the same reason, we cannot direct the Government of India to amend the recruitment rules to make the post of Assistant Statistician a feeder post for promotion to the cadre of Assistant Director, recruitment to which require all these technical qualifications stated above. We, therefore, find no force in this application which is hereby dismissed.



5. At the same time, keeping in view the rule laid down by the Supreme Court in various judgments cited above, we feel that justice has not been meted out to the applicant in that he has been languishing in the post of Assistant Statistician for nearly 25 years now. It need not be emphasised here that without any incentive and any career prospects for advancement to look forward to, even the most efficient person cannot function effectively after a certain time. We, therefore, direct Respondent No.1, to provide appropriate promotional opportunities to the applicant by upgradation of the existing post or by creation of a higher post which shall not be lower than the post of Assistant Director already available in the CPBF. Suitable orders in this regard shall be issued by Respondent No.1 within a period of three months from the date of receipt of a copy of this order.

6. In the circumstances of the case, there are no order as to costs.

Sd —

Sd —

TRUE COPY

MEMBER (A)

VICE CHAIRMAN

Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Miscellaneous Appln.No.286/1995 in

Dated: **12 JUL 1995**

APPLICATION NO. 666 of 1994.

APPLICANTS: **Sri.Lakshmikantharajurs,**

V/S.

RESPONDENTS: **Secretary, Ministry of Agriculture,
New Delhi and four others.**

To

1. **Sri.M.Narayana Swamy, Advocate,
No.844, Upstairs, Fifth Block,
Rajajinagar, Bangalore-560 010.**
2. **Sri.M.Vasudeva Rao,
Addl.C.G.S.C., High Court Bldg,
Bangalore-1.**

*Copy Received
clerk to office
12/17/95 (SI No.1)*

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 29-06-1995.

*Issued on
12/07/95*

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for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

g/c

Shanikamtharajawar.

Secy. M/o. Agriculture
New Delhi 4/08

CA 666/94²

Office Notes

Orders of Tribunal

PKS VC/VR MA

29th June 1995

Orders on MA 286/95:

Heard. Time for compliance
extended by two months from today.
No further extension.

Sd/-

Sd/-

MEMBER [A]

VICE-CHAIRMAN



TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore