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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.234/89

Date of Order: 8.10.93

BETWEEN:

1. P.K.Bhattacharjee
2. R.Kuppuswamy
3. Y.Sri Rama Murthy

.. Applicants.

A N D

1. Union of India, rep. by
Secretary to Government,
Ministry of Steel & Mines,
Dept. of Mines, Shastri Bhavan,
New Delhi.
2. The Director General,
Geological Survey of India,
4, Chowringhee lane,
Calcutta - 700 016.
3. The Deputy Director General,
Geological Survey of India
Southern Regional Office,
M.J.Road, Hyderabad.

.. Respondents

Counsel for the Applicants

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

... Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicants who are working as Assistants in the Geological Survey of India have filed this application praying for a declaration that the recruitment rules of 1968 as amended by notification dated 25.7.1983 and published in the Gazette of India (under Part-II, Section-3, Sub-Section-I) in so far as they relate to reservation of 10% of the posts of Superintendent to be filled in by the persons holding the posts of Stenographer Gr-II, as illegal, arbitrary and unconstitutional. The relevant portion of the recruitment rules is re-produced below:-

1. -----

2-11. -----

12. In case of recruitment by promotion/
deputation/transfer grades from which
promotion/deputation/transfer to be
made:-

Promotion: 90% from the grades of Assistant with 4 years regular service in the grade and 10% from the grade of Stenographer Gr.II with 4 years regular service in the grade.

2. We have heard learned counsel for both the parties. Mr.V.Venkateswara Rao assailed the validity of the impugned recruitment rules on several grounds. Firstly he contended that ^{for promotion to} the post of Superintendent, Assistants are more suitable and better qualified than Stenographers. Keeping in view the nature of duties performed by Superintendent, he contended that the Assistants who would have had sufficient exposure in the field of Administration ^{and} Superintendence would make better superintendents ~~other~~ than Stenographers. He also brought to our notice

the different education^{al} qualifications specified for Stenographers and Assistants. For a Stenographer Matriculation has been specified as minimum educational qualification whereas^{as} Assistants the minimum educational qualification is a Degree. The second aspect brought out by Mr.V.Venkateswara Rao^{is} that for Stenographers Gr.II there is already an avenue of promotion open to them in their own field to the higher posts of Superintendent and P.A. By giving them additional avenue of promotion to the post of Superintendent, ~~an~~ undue and extra benefit is conferred open them. Keeping in view the facts the department itself proposed an amendment of recruitment rules with a view to keep the post of Superintendent exclusively available^{to be} filled up by promotion from the grade of Assistants. In this connection he ~~is~~^{has} drawn our attention to a letter of the Government of India, Ministry of Steels and Mines No.A.12018/31/88-M II dated 3.3.1981. By means of that memo a copy of the U.P.S.C. letter dated 17.2.1989 was forwarded to the D.G. G.S.I. The recommendations made by the under Secretary by the U.P.S.C. are re-produced below:-

" It is well observed that stenographers Grade II are eligible for ptomotion to the post of Superintendent to the tune of 10% in that grade. It is proposed to make stenographers grade-I (Sr.PA) eligible for promotion to a propotion of vacancies in the grade of Administrative Officer. Thus, Stenographer become the feeder grade for two categories of service. Under the extant orders dual promotional avenue is not permissibile. As such the RRS for the post of Supdt. may be amended to delink Steno.Gr.II from the feeder grade for promotion to that post."

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3. In support of his contention learned counsel for the applicants has drawn our attention to a judgement of the Supreme Court in Raghunath prasad Singh Vs. The Secretary Home (Police) Dept. Govt. of Bihar 1988 (1) ATLT SC 626.

4. In that case the Supreme Court made a categorical observation that reasonable promotional opportunities should be available in every wing of public service. So far as the instant case ^{is concerned} ~~conferred~~ & admittedly 90% of posts of Superintendent are available to be filled up by Assistants on promotion. It is therefore difficult for us ^{to hold} that the Assistants in general or the applicants in this case ^{in particular} ~~are~~ ^{are} ~~had~~ denied "reasonable opportunity" in the matter of promotion ^{to} ~~in~~ the post of Superintendent.

5. As regards the contention of the applicants counsel that unequals are treated as equals for the ^{of promotion to the post of Supdt &} ~~purpose of post of Assistant~~, we are unable to accept such contention. The Stenographers are not ^{with Assistants &} ~~made~~ to compete for promotion for the same vacancies as such. Stenographer Gr. II would be considered for promotion to the posts of Superintendent reserved for them whereas the Assistants would be considered for promotion to the remaining (90%) posts of Superintendents as specified in the recruitment rules. Although the nature of duties of Assistants and Stenographers are different, Admittedly ~~the~~ both are in the same grade of pay.

6. It is well settled that mere chances of promotion are not conditions of service and the fact that there was a ~~reduction~~ in the chances of promotion would not amount of a change in the conditions of service. A right to be considered for promotion is certainly a ~~condition~~^{of} service but mere chances of promotion ~~are~~^{is} not. In this context we rely on the judgement~~s~~ of Supreme Court in 1982 (1) SLR 697.

7. The policy governing promotion is a matter for executive consideration and decision.

So long such a policy is neither unfair ^{nor} ~~or~~ arbitrary nor discriminatory, it is not open to the Tribunal to interfere with the same. In the instant case we find that ~~keeping~~ 10% of posts of Stenographers for being filled by promotion of Stenographers Gr.II cannot be said to have impinged ^{upon} the rights of the applicants herein. The said recruitment rule is neither unfair ^{nor} ~~or~~ arbitrary nor illegal.


8. As already observed by us, ~~that~~ recommendation had already been made by the UPSC to the Govt. of India for amending the recruitment rules with a view to delink Stenographers Gr.II from the feeder grade for promotion to the post of Superintendent. The recommendation~~s~~ seems to be made on genuine and valid grounds and it is ~~held~~^{hoped} that the Government would, in due course, take into consideration the recommendation made and arrive at a decision with regard to the requirment~~s~~ or otherwise

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of amending the relevant recruitment rules.

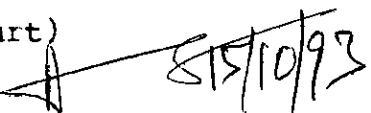
9. With the above observation, we dismiss this application. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn.)

Dated: 8th October, 1993

(Dictated in Open Court)


Deputy Registrar(J)

To

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1. The Secretary to Govt., Union of India,
Ministry of Steel & Mines,
Dept. of Mines, Shastri Bhavan, New Delhi.
2. The Director General, Geological Survey of India,
4, Chowringhee Lane, Calcutta-16.
3. The Deputy Director General,
Geological Survey of India,
Southern Regional Office, M.J. Road, Hyderabad.
4. One copy to Mr. v. venkateswara Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 8 - 10 - 1993

~~ORDER~~ JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 234/89

T.A.No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of, with directions

Dismissed.

Dismissed, as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs

pvm

