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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

O.A.No.625/89.

Date of Judgment : 23-03-1990.

/ K.G.K.Bhaskar

...Applicant

Versus

1. Regional Development Commissioner
for Iron and Steel, Secunderabad.
2. Development Commissioner for Iron
& Steel, Calcutta.
3. The Secretary, Department of Steel,
New Delhi.
4. Shri P.Krishna Murthy, Inspector,
O/O Regl. Devp. Commr. for Iron &
Steel, 5th Floor, Surya Towers,
S.P.Road, Secunderabad - 500 003.

...Respondents

Counsel for the Applicant : K.G.K.Bhaskar ✓
(Party-in-person)

Counsel for the Respondents : Shri E.Madan Mohan Rao, ✓
Addl.CGSC

CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN ✓

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDL) (I) ✓

(Judgment of the Bench dictated by Hon'ble
Shri D.Surya Rao, Member (J)).

The applicant herein who is working as Personnel
Assistant in the Office of Regional Development Commissioner
for Iron and Steel, Secunderabad stated that he completed
13 years in the cadre of P.A. In the existing recruitment
rules to fill-up the post of Inspectors there are two
modes of recruitment prescribed (1) promotion from persons
having served 5 years as Head-Clerk on regular basis

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failing which (2) on transfer-cum-deputation from (a) persons having five years regular service as Stenographers of the Central Secretariat Services or (b) persons having five years regular service in the grade equivalent to the post of head-clerk i.e. persons holding analogous posts-grade having an experience of five years in the Central or State Government. It is alleged that despite respondent No.4 not having the requisite 5 years service the first respondent recommended his case for adhoc promotion as Inspector as well as for regularising his services. It is contended that the action is arbitrary and against the established procedure of law to be followed under the existing recruitment rules. It is stated in the application that proposals are pending for introducing combined recruitment rules, whereby PAs with six years regular service would be eligible for promotion to the post of Inspector. Respondent No.1 however took an arbitrary decision and without holding a D.P.C. and to favour the fourth respondent viz., Shri P. Krishna Murthy, recommended for adhoc promotion though the incumbent even though he did not satisfy the eligibility condition of five years regular service in the grade of Head Clerk. It is stated that while the respondent No.4 has been considered for being appointed as Inspector despite not having the qualifying service, no such benefit is given

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to the applicant. Applicant made representations on 25-09-1987 and 16-02-1989. But no action was taken there on. The applicant further alleges that the 1st respondent called for ^a D.P.C. meeting for consideration of promotions/confirmations, and it is learnt that the D.P.C. have approved the regularisation of the 4th respondent and subsequently an order dt. 29-06-1989 was also issued regularising his appointment as Inspector. He also alleges that even earlier, the D.P.C. met and recommended the case of the 4th respondent for regularisation with retrospective effect i.e. from 25-10-1988, on which ^{date} he did not possess the eligibility condition of five years regular service. For these reasons applicant prays for an order to quash the promotion of the 4th respondent to the post of Inspector and for a direction to the respondent No.1 and 2 for making fresh appointment.

2. On behalf of the respondents 1 to 3 a counter has been filed stating that only one post of Inspector had fallen vacant due to the incumbent holding the said post getting selected as Asst. Regional Development Commissioner. Since the post could not be kept vacant, it was filled up by promoting the 4th respondent on ad-hoc basis in public interest, since he was working in the post of Head Clerk

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which is ^{an} eligible post in the direct line for promotion to the post of Inspector. Since the applicant was a Personnel Assistant, which post is not in the line of promotion as Inspector he could not be considered.

3. A separate counter has been filed on behalf of the respondent No.4 re-iterating the contentions raised in the counter of respondents 1 to 3 viz., that the applicant is not in the line of promotion for Inspector, since the post of Personnel Assistant is not a Feeder Post. Since the applicant is not eligible to be considered to the post of Inspector, he cannot question the promotion/appointment of any other persons who were promoted/appointed. Since the post of Head Clerk is a feeder post to the post of Inspector, he was appointed on adhoc basis from 22-07-1987. He further avers that since he completed the requisite 5 years service in the grade of Head Clerk on 25-10-1988 he made a representation on 16-02-1989 for regularisation of the service as Inspector. During the pendency of his representation, the Departmental Promotion Committee met and considered his case for regular appointment/promotion to the post of Inspector. Basing on the recommendations of the D.P.C. the respondent No.2 conveyed communication for regularisation of his service to the 1st respondent. Accordingly his services were regularised with effect from

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25-10-1988 the date on which he completed five years requisite service in the grade of Head Clerk. It is further contended that till the combined recruitment rules come into force, the applicant has no loco-standa to file this application.

4. We have heard the applicant who argued his case in person and Shri E.Madan Mohan Rao, learned standing Counsel for the respondents 1 to 3. Respondent No.4 was not present nor he is represented by his counsel. The counters filed show that under the existing recruitment rules Head Clerks are eligible for promotion whereas Personnel Assistants are not eligible to be considered for promotion. No doubt the respondents No.4 at the time of initial appointment in 1987 did not have the prescribed service in the category of Head Clerk to render him eligible for regular promotion as Inspector. The counter for the respondents 1 to 3 however shows that the promotion had to be made in the exigencies of service and accordingly the 4th respondent was promoted on adhoc basis. Subsequently when the respondent No.4 satisfied the requisite qualifications i.e. he had completed the five years in the category of Head Clerk, his services were regularised. It is clear that the applicant who is not in the regular line of promotion to the post of Inspector had no loco-standa to question the same. The contention of the applicant that under the proposed combined rules, P.A.s are proposed to

contd..6.

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To

1. Regional Development Commissioner for Iron and Steel,
Govt. of India, Department of Steel, 5th floor, Surya Towers,
104, S.P. Road, Secunderabad-500003.
2. Development Commissioner for Iron and Steel, 234/4, Acharya J.B. Road
Calcutta-700020.
3. The Secretary, Department of Steel, Udyog Bhawan, N. Delhi.
4. One copy to Mr. K.G.K. Bhaskar (Party in person), O/o. Regional
Development Commissioner for Iron and Steel, 5th floor, Surya Towers
104, S.P. Road, Secunderabad.
5. One Copy to Mr. E.M. dan Mohan Rao, Addl. SGSC, CAT, Hyderabad.
6. One spare copy.

Dnc.
2/1/68

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be rendered eligible for promotion to the post of Inspector cannot be a ground for interference ^{or a} for questioning the promotion of the 4th respondent. The applicant can have a cause of action or claim to the post of Inspector only when the rules are amended. He cannot however claim a right to promotion on the ground that an amendment of the rules is on the anvil. No doubt the applicant has some ^A cause for grievance. He has been stagnating in the same post of P.A. ^{since} ~~since~~ 1978 and ^{has} ~~there is~~ no further scope for promotion at all. But his remedy is to represent and seek amendment of the rules and for the administrative department/ministry to allieviate the grievance. The remedy cannot ~~however~~ be by way of an application questioning the promotion given to the 4th respondent, who is in the regular line for promotion. In the circumstances of the case we do not find any merits in this case and is accordingly dismissed. No costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D. SURYA RAO)
Member (Judl)

Dt. 23rd March 1990.
Dictated in Court.

T. V. S. Rao 16/4/90
DEPUTY REGISTRAR(A).

AVL.

P.T.O.

Draft by: Checked by: Approved by:
D.R.(3)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.)

A N D

HON'BLE MR.D.SURYA RAO: MEMBER: (JUDL.)

A N D

HON'BLE MR.J.NARASIMHA MURTHY: (M)(J)

A N D

HON'BLE MR.R.BALASUBRAMANIAN: (M)(A)

DATED: 23/3/90

ORDER/JUDGMENT:

M.A./R.A./C.A./No. _____ in
T.A.No. _____ (W.P.No. _____)
O.A.No. *62/89*

Admitted and Interim
directions issued.

Allowed.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs.

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