

(90)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 1106/92

Between:

Date of Order: 22.3.95.

S.Venkat Rao

...Applicant.

And

1. The Secretary to Govt. of India,
Union Ministry of Education and
Cultural Activities,
Sastray Bhavan,
New Delhi.
2. The Director General of Archaeology,
Archaeological Survey of India,
Janapath Road, New Delhi.
3. The Chief Executive Officer,
Additional Director General,
Archaeological Survey of India,
Janapath, New Delhi.
4. The Superintendent, Archaeologist,
Archaeological Survey of India,
South Eastern Circle,
Adikmet, Hyderabad.

...Respondents.

Counsel for the Applicant : Mr.Kalyan Rao Joshi

Counsel for the Respondents : Mr.N.V.Ramana, Addl. GSC.

CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (A)

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

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X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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The applicant was initially appointed as Exploration Attender on 15.2.1964 on temporary basis and was confirmed in that post in 1967. Eversince till he superannuated on 31.12.92 he remained as Group-D employee only. His prayer in this OA is for a direction to the respondents to grant the next higher promotional post and scale of pay in terms of Government of India's Circular No. O.M.F.No 10(1)E.III/86 dated 13.9.1991 with all consequential benefits.

2. The applicant while in service passed Higher Secondary Certificate examination and also passed English Typewriting test and thus ~~being~~ ^{became} eligible for being promoted to the post of L.D.C. The respondents infact engaged him as a Lower Division Clerk for several spells during 1985-87. But thereafter reverted him to his substantive post of Attender.

3. Learned counsel for the applicant placed heavy reliance on the Government of India's O.M. dated 13.9.91 in support of his contention that the respondents ought to have considered the applicant for atleast one promotion and that by denying him promotion to the post of L.D.C., They not only acted contrary to the spirit of the aforesaid O.M. but also in violation of what has been laid down by the Supreme Court in Council of Scientific and Industrial Research and another v. K.G.S.Bhatt, AIR 1989 SC 1972.

4. A careful perusal of the O.M. dated 13.9.91 shows that the Government took note of the fact that there was scope of creation of higher grades of post in most of the Group - C.

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the Group 'C' and 'D' cadres and accordingly ~~graded~~, to evolve a scheme whereby Group 'C' and 'D' employees ~~may~~ may get atleast one promotion in their service career. In the said O.M. a direction was issued to ~~all~~ administrative Ministry/Departments to identify caders where there are no promotional grades and furnished the details to the Financial Adviser concerned, so that, after scrutiny, the matter could be taken up for prescribing suitable promotional grades based on an overall consideration of all the Attendant factors. The O.M. thus is only a kind of proposition and ~~the~~ directions ~~of~~ to Ministries and departments concerned to prescribe suitable promotional grades. There is nothing on record to indicate that, as a result, ~~there is~~ any additional grade has been prescribed for Group 'D' employees serving ~~him~~ in the Archaeological Survey of India. Thus we are unable to exceed to the plea put forward by the applicant's counsel, ^{that} on the strength of the O.M. dated 13.9.1991 the applicant became eligible or entitled to ~~any~~ promotion to higher grade.

5. There can be no doubt that the observations of the Supreme Court in K.G.S.Bhatt's case (Supra) to the effect that an employee is recruited by an organisation not just for a job but for a whole career and that one must therefore be given an opportunity to advance in his career, ~~are~~ indeed salutary. In the instant case however a perusal of the counter affidavit filed by the respondent would indicate that the applicant was indeed promoted to the higher post of Daftry/Jamedar in the scale of pay of Rs.775-1025 and consequently his pay was refixed in the higher grade.

6. In support of the said averment in the counter affidavit, learned standing counsel for the respondents has

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Additional Director General,
Archaeological Survey of India,
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4. The Superintendent, Archaeologist,
Archaeological Survey of India,
South Eastern Circle,
Adikmet, Hyderabad.
5. One copy to Mr.Kalyan Rao Joshi, Advocate, 16-8-240/7,
Malekpet, Hyderabad - 500 036.
6. One copy to Mr.N.V.Ramana, Addl.CGSC,CAT,Hyderabad.
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also shown us the relevant pay fixation memo which would clearly indicate that the pay of the applicant in the higher post of Daftry/Jamedar was fixed at Rs.983/- in the scale of pay of Rs.775-1025 by giving him the benefit of F.R.22 (C). Therefore, there can be no dispute ^{that} the applicant was given promotion during his career.

7. Another aspect of the case though already decided earlier in OA.251/87 vide order dated 2.3.90 may also be seen here. From the judgement in the said OA it is apparent that initially when the recruitment rules ~~permitted~~ promoted 10% of Group 'D' employees to be considered for promotion/posting as L.D.Cs, the applicant ~~the applicant~~ appeared for the departmental test but did not qualify. Subsequently the recruitment rules were amended to the effect that the appointment as L.D.C. would be by 100% direct recruitment. In view of these facts there is hardly any justification for the applicant to entertain any grievance about his non promotion to the post of L.D.C.

8. In the result, we find no merit in this O.A. and the same is dismissed without any order as to costs.

CERTIFIED TO BE TRUE COPY
 Dated 30/3/95
 Court Officer
 Central Administrative Tribunal
 Hyderabad Deccan
 Hyderabad

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M.11/2027

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CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(3)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(2)

DATED : 22.3.95

ORDER/JUDGEMENT.

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

in
O.A.NO. 1106/92

Admitted and Interim directions issued

Allowed

Disposed of with Directions

Dismissed

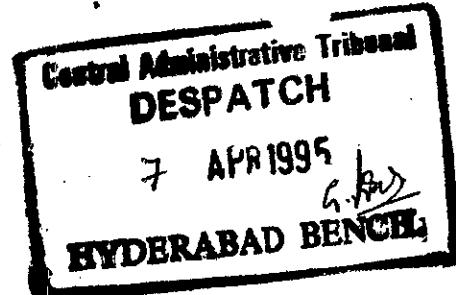
Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

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