

58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.239/92.

Date of Judgement 25/8/1992

T.E.Santharam

.. Applicant

Vs.

1. Govt. of India,  
Dept. of Space,  
Rep. by its Secretary,  
New Delhi.
2. The Chairman,  
ISRO, Dept. of Space,  
Bangalore, Karnataka State.
3. The Director,  
SHAR Centre,  
Sriharikota Range,  
Nellore Dt. A.P.
4. The Administrative Officer,  
Establishment, ISRO,  
SHAR Centre, P&GA Divn.,  
Dept. of Space, Sriharikota,  
Nellore Dt. A.P. .. Respondents

---

Counsel for the Applicant : Shri K.Venkateswara Rao

Counsel for the Respondents: Shri V.Rajeswara Rao for  
Shri N.V.Ramana, Addl. CGSC

---

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)

---

This application has been filed by Shri T.E.Santharam against the Govt. of India, Dept. of Space, Rep. by its Secretary, New Delhi & 3 others under section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the respondents to treat the applicant as Tradesman from 15.4.78 on which date the Crane Operators were redesignated as Tradesman.

2. He is aggrieved that while Crane Operators who were on par with Fork Lift Operators both in terms of scales of pay and qualifications were classified as Technical Category by the notification SCF:P&GA:Estt:1-88 dt. 20.4.78, that cadre of

1/2

1/2

Fork Lift Operators to which the applicant belongs, has been left out. He represented on 28.4.89 and pursued the subject. By his reply dt. 1.1.91, Respondent No.4 rejected his claim to place him in technical category since the Junior Technical School Certificate of the applicant is equivalent only to Matric and not equivalent to I.T.I. qualification.

..... The impugned order dt. 11.1.92

is only a repetition

3. The respondents oppose the O.A. in their counter. When ISRO was converted into a Govt. Department w.e.f. 1.4.75, they were vested with powers to frame their own rules and regulations. Career prospects have been laid down taking into account the requirements of the organisation. According to this (Annexure R2) I.T.I. certificate or equivalent is necessary for a person to be placed in Technical Category. They have also appended the "Directory of qualifications recognised by Govt. of India" according to which Junior Secondary Technical School Examination conducted by the State Board of Technical Education is equivalent only to Matric. It is also contended that the duties of Fork Lift Operators are only auxiliary and not technical in nature. Hence their inability to place Fork Lift Operators in technical cadre.

4. We have examined the case and heard both sides. A recent judgement of the Hon'ble Supreme Court [ JT 1992(3) SC 309 ] clearly indicates that promotional policies (the applicant aspires for Technical Category because of better promotional prospects) are for Government to lay down and not for courts to interfere with unless there is arbitrariness or resultant discrimination. There is no arbitrariness in the policy laid down by the Government, <sup>in specifying qualification.</sup> The cause of action arose in 1978 beyond our jurisdiction. The applicant chose to make his first representation only in 1989 and the laches are quite bad.

(60)

According to Govt. of India, the applicant does not have the requisite qualification. From all angles, we do not find any scope to interfere and dismiss the O.A. at the admission stage itself with no order as to costs. This does not however preclude the respondents to review and revise the norms at a future date.

R.Balasubramanian

( R.Balasubramanian )  
Member (A).

*gmy*  
( C.J.Roy )  
Member (J).

*23*  
Dated: 25<sup>th</sup> August, 1992.

*827872*  
Dy. Registrar (Judl.)

Copy to:-

1. Secretary, Department of Space, Govt. of India, New Delhi.
2. The Chairman, ISRO, Department of Space, Bangalore, Karnataka State.
3. The Director, SHAR Centre, Sriharikota Range, Nellore Dt.A.P
4. The Administrative Officer, Establishment, ISRO, SHAR Centre P&GA Division, Department of Space, Sriharikota, Nellore, Dt
5. One copy to Sri. K.Venkateswara Rao, advocate, 1-1-258/10/c, Chikkadapally, Hyd.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Hon'ble Mr.C.J.Roy, Judicial Member, CAT, Hyd.
8. One spare copy.

Rsm/-

*20/08/92*  
*218697*

O.A. 239/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 25/2/1992

ORDER / JUDGMENT

R.A./C.A./M.A. NO

in—

O.A. No.

239/92

T.A. No.

(W.P. No.)

Admitted and interim directions  
issued

Allowed.

Disposed of with directions

✓ Dismissed

Dismissed as withdrawn

• Dismissed for default

M.A. Ordered / Rejected

— No orders as to costs.

pvm.

