

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

OA No. 1553/1998

Date of Decision: 8.1.97

BETWEEN:

K.P.C. Rao and  
G. Kamalesanan

.. Applicants

AND

1. The Union of India rep. by its Secretary to Government, Ministry of Water Resources, New Delhi.
2. The Central Ground Water Board, NH IV, Faridabad rep. by its chairman

.. Respondents



Counsel for the Applicants: Mr. N. Rama Mohan Rao

Counsel for the Respondents: Mr. K. Bhaskar Rao

CORAM:

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

*Jai*

without any justification that the respondents having indulged in what should be the sub-quota between Assistant Engineers on the one hand and Drillers/Driller-in-Charge on the other, that the post of Executive Engineers was filled by integrated seniority having due regard to the length of service rendered by them that the said procedure had the desired effect that the said procedure was in force for nearly 2 decades that out of 90 and odd driller and Driller-in-Charge only a few are diploma holders that for the reason there was no stipulation in the initial stages for the candidates to possess a diploma qualification that most of the driller/Driller-in-Charge are matriculates that in such a situation it is most unfair to confer high percentage 80% for in their favour/being promoted to the category of Assistant Executive Engineers that the Assistant Engineer by virtue of intake qualification are bound to be diploma holders that a fair and equitable distribution in the matter of promotion would only qualify a reasonable test for achieving the objective for enhancing the administrative functioning of the board is incredible one, that the same has sub-served by allowing an inappropriate percentage of vacancies being available for the Assistant Engineers otherwise that the Asstt. Engineers as such are put to grave, serious and irreparable loss and injury that the amendment is not a realistic one, that it cannot be worked out that the prescription of sub-rotation of vacancies and between the feeder categories, namely, Asstt. Engineers/Drillers and Driller-in-Charge without fixing proper percentage of posts in favour of the Asstt. Engineers is liable to be totally arbitrary resulting in violation of their fundamental rights and that the balance of convenience lies in their favour.

prescribed for promotion was increased from 50% to 75%.

Under the promotion category 20% from Assistant Engineers with 3 years regular service in the grade and possessing diploma in engineering of a recognised institute and 80% from Driller/Driller Incharge with 3 years regular service in the grade,

The applicants felt aggrieved by the column No.12 of the amended rules and filed this application. We feel it proper to reproduce ~~below~~ column 12 which came into force from 23.10.92(Annexure-9, Page 22):

In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made

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Promotion:-

- I) 20% from Assistant Engineer with 3 years regular service in the grade and possessing at least Diploma in Engineering or a recognised Institute in any subject mentioned in Essential qualification under Column 8.
- II) 80% from Driller/Driller-in-Charge with 3 years, regular service in the grade and possessing at least Diploma in Engineering of recognised Institute in any subject mentioned in essential qualifications under Column 8, failing which from Assistant Engineer.

The applicants contend that by introducing the 20% and 80% between 2 groups the respondents ~~achieved~~ arbitration for promotions to the group of Asstt. Engineers, that earlier there were only 17 posts of Asstt. Executive Engineers in the Board that presently the total strength of Asstt. Executive Engineers is 28 that in such a situation providing quota like 20:80 between 2 sources of promotion is highly improbable and arbitrary that the above percentage works out irrational and

in position and 2 officers had been issued that among them 22 persons are holding diploma qualification in Engineering that the averment that Drillers-in-Charge do not possess the required qualification or that they are only matriculates is not correct, that all the direct recruits possess a diploma in Engineering and that the board keeping in view the recommendations made by the Committee submitted, <sup>the</sup> proposals to amend the rules.

The main grievance of the applicants is regarding fixation of Sub-quota of 20: 80 in the feeder categories, <sup>for promotion</sup> to the post of Assistant Executive Engineers. The posts of Assistant Engineers in the board are less than the posts of Drillers/Drillers-in-Charge in the board. we feel that the sub-quota prescribed <sup>in the feeder categories</sup> <sup>for promotion to the post of</sup> Assistant Executive Engineers appear to be reasonable. The contention of the applicants that most of the drillers/drillers-in-Charge are matriculates is not correct. It is stated in the counter affidavit, <sup>that majority</sup> of them are diploma holders.

During the course of arguments the learned counsel for the respondents submitted that the board may consider the fixation of percentage in feeder categories to the post of Assistant Engineers having regard to the sanctioned strength of Assistant Engineer and driller and driller-in-charge. However, they submitted that presently the quota prescribed for the feeder categories <sup>for promotion</sup> may not be arbitrary.

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The respondents filed their counter affidavit explaining the circumstances under which their 1981 rules were amended by the impugned notification. It is stated that there was persistent demand from the staff side for modification of the recruitment rules of all the engineering posts in the board that such demands were made in the council meetings held on 9.5.78, 11.10.79 and 30.3.88 that a Committee consisting of 3 members was constituted to chalk out the modification/ amendment required to be made in the recruitment rules of posts in various categories of the board that the committee consisted of the offices of the ministry and the board that the committee after keeping in view all parameters recommended amendment to the recruitment rules of various categories of posts in the board that on the basis of the report submitted by the Committee proposals for amendment to the recruitment rules were sent to the Ministry along with the board's letter Dt. 4.7.89 that sub-quota fixed for promotion in the feeder categories of and Assistant Engineers, Drillers/Driller-in-Charge is quite legal, valid and according to law that the sanctioned posts of Assistant Engineers in the board is 26 that the sanctioned posts of Drillers-in-Charge in the board is 96 that the sanctioned strength of Asstt. Executive Engineers in the Board is 23 that in view of the above statistical data of the sanctioned strength of the promotional posts and feeder categories the percentage fixed is quite justifiable that the averments made in the application regarding workability of the quality of the amended rules is not correct that 1981 rules were in force for nearly 20 years that there were several representations from the individuals to fix ratio in the feeder categories as mentioned that the quota for the Assistant Engineers has been fixed as per guidelines on the subject that as against 96 sanctioned posts of Driller-in-Charge in the Board 83 are

We are not persuaded to subscribe to the view of the applicants that the prescription of quota in the feeder categories to the promotional post of Assistant Executive Engineer is either arbitrary or unreasonable.

Hence this OA is liable to be dismissed. Accordingly the same is dismissed. In the circumstances of the case no order as to costs.

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P-117  
न्यायालय अधिकारी  
COURT OFFICER  
केंद्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद - 440 - 6  
HYDERABAD BENCH

केस नंबर	CASE NUMBER	201:1553/93
निष्पत्ति का तिथि	Date of Judgement	8/1
प्रति तथार किया गया दिन	Copy Made Ready on	12/1/93
अनुग्राम अधिकारी (न्य विक)		Section Officer (S)

(22)

The learned counsel for the respondents submitted that the 1981 Rules were in force for a period of nearly 15 years that during this interval there has been sufficient development in the fields of education, science and technology and that more persons with good educational background and experience are aspiring for the post of Driller/Driller-in-Charge and even among the existing Drillers-in-Charge in the board majority of them are diploma holders in engineering and having regard to the cadre strength of Drillers/Drillers-in-Charge in the Board the prescription of 80% quota for promotion category to the post of Assistant Executive Engineer may not be arbitrary or unreasonable. By fixing this quota no injustice has been caused to the Assistant Engineers who are far less compared to the cadre strength of Drillers/Drillers-in-Charge. Having regard to the cadre strength of both the feeder categories the learned counsel justified the fixation of quota 20:80. We find no unreasonableness or irrationality in prescribing the said quota.

Further it is submitted that the Committee consisting of 3 members and representatives of the Board considered the version of various categories of posts in the board and recommended for prescribing certain quota in feeder categories for the post of Assistant Executive Engineer. It is submitted that the respondents took into consideration the recommendations made by the committee. Having regard to these circumstances and also having regard to the fact that the cadre strength of Assistant Engineers in the Board is very much less than the Driller/Drillers-in-Charge, we do not find any arbitrariness in the amended rules which came into force effective from 23.10.92.

Petition to the Singh o.t

Hyderabad District

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: ADDITIONAL BENCH:  
AT HYDERABAD

M.A. NO.

OF 1993

in

O.A. Sr. No.

OF 1993



Miscellaneous Application

*Rao B/17  
f/n*

M/s. Nooty Rama Mohana Rao,  
Pratap Narayan Sanghi,  
K.S.V. Subba Rao, &  
Abhinand K Shavili, &  
Siva.

Counsel for the Applicants.

*May be filed  
S/n*