

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

OSAVNO:478/96.

Date of Order: 21.7.1998

BETWEEN :

M.K.Bharadwaj,
S/o Late P.R.Bharadwaj,
aged about 50 years,
Occupation- Artist,
Geological Survey of India,
R/o Hyderabad.

... APPLICANT

A N D

1. The Secretary,
Government of India,
Department of Mines,
Ministry of Steel & Mines,
New Delhi.
2. The Director General,
Geological Survey of India,
27,Chowranghee Lane,
Calcutta-700 016.
3. The Deputy Director General,
Southern Region,
Geological Survey of India,
Banglaguda, Hyderabad.

... RESPONDENTS

Counsel for the Applicant : Mr. V. Venkateswara Rao

Counsel for the Respondents : Mr. N.R.Devaraj,SrCGSC

CORAM :

Honourable Mr.R. Rangarajan, Member(Admn.)

Honourable Mr.B.S.Jai Parameshwar, Member(Judl.)

O R D E R.

(Per Hon.Mr.B.S.Jai Parameshwar, Member (J))

Present

1. ~~Heard~~ Mr. V.Venkateswara Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned Standing Counsel for the respondents. In this case no reply has been filed to the O.A.

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2. This is an application under Section 19 of the Administrative Tribunals Act. The application was filed on 4.4.1996.

3. The applicant herein was appointed as Artist in the scale of pay of Rs.650-1200 in the Geological Survey of India. It is stated that the said post is a Group B Class II post. He joined the post on 12.1.1976. His pay scale was revised to Rs.2000-3500 on the implementation of the recommendations of the IVth Pay Commission.

4. While in service, the applicant submits that he completed Post Graduate Diploma in Cartography in Osmania University. He submits that he stood as Rank I topper in the said examination. He submits that he was employed in the Map Printing Division of Geological Survey of India when he was appointed as Artist during the year 1976.

5. He submits that he has reached the maximum in the scale of pay of Rs.2000-3500 and that he has been stagnating in the said scale of pay.

6. The applicant submits that there was a ~~Three Member~~ Committee consisting of the Director, Map Printing Division as Chairman. The Committee submitted its proposals for restructuring and creation of the post of Chief Cartographer in the Cartography Wing in the following manner :

- (1) JTA .. 1600-2660
- (2) STA .. 1640-2900
- (3) Assistant Cartographer .. 2000-3500
- (4) Junior Cartographer .. 2200-4000
- (5) Senior Cartographer .. 3000-4500
- (6) Chief Cartographer .. 3700-5600

The proposals of the said Committee were submitted to the Director General, Geological Survey of India and to the concerned Ministry during October/November, 1995.

7. It appears that the Director General and the Union of India have not taken any action on those proposals.

8. Hence the applicant has filed this O.A. for a direction to the respondents to consider the proposals submitted for creation of the post of Senior Cartographer/Senior Cartographic Officer in the scale of pay of Rs.3000-4500 in the Cartographic Wing of the Map Printing Division and to consider the case of the applicant for promotion to the said post with immediate effect with all consequential benefits, such as, seniority, promotion, arrears of salary etc.

9. The respondents have not filed any reply in this O.A.

10. However, during the course of arguments, learned counsel for the respondents submitted that it is for the Government to consider the proposals and that no direction can be given to the Union of India to consider and take a decision. Further in the case of the Commissioner, Corporation of Madras v. Madras Corporation Teachers' Mandram and others, reported in AIR 1997 SC 2131, the Hon'ble Supreme Court in para 4 of its judgment has stated that the Tribunal has no power to direct the Executive to create a post.

11. The reliefs claimed by the applicant are two fold - (i) to direct the respondents to consider the proposals submitted by the Three Member Committee; and (ii) he should be considered for promotion to the said post with immediate effect.

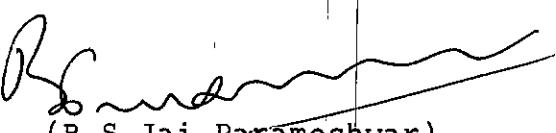
In respect of relief No.1, it is for the Union of India to consider or to reject the proposals submitted by the Three Member Committee. No specific direction can be

given by this Tribunal to the Union of India to consider the proposals submitted by the Three Member Committee.

With respect to relief No.(ii), it is too imaginary for, the Union of India has not yet taken a decision on the proposals submitted by the Three Member Committee. In case the Union of India takes a decision to accept the proposals of the Three Member Committee, then the applicant may be in the zone of consideration for filling the said post. When that is so, we cannot direct the respondents to consider the case of the applicant for the post so created.

12. The reliefs claimed by the applicant depends upon the decision of the Union of India in which the Tribunal cannot have any role to play.

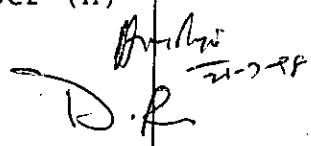
13. Hence we find no merits in this O.A. The O.A. is accordingly dismissed leaving the parties to bear their own costs.


(B.S.Jai Parameshwar)
Member (J)


(R. Rangarajan)
Member (A)

Dated the 21st July, 1998.

DJ/


D.P.

DA.478/96

Copy to:-

1. The Secretary, Department of Mines, Ministry of Steel & Mines, New Delhi.
2. The Director General, Geological Survey of India, 27, Chowranghee Lane, Calcutta.
3. The Deputy Director General, Southern Region, Geological Survey of India, Banglaguda, Hyderabad.
4. One copy to Mr. V. Venkateswara Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
6. One copy to BSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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20/7/98
C

II COURT

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.DAI PARAMESWAR :

M(J)

DATED: 21/7/98

ORDER/JUDGMENT

M.A/R.A/C.P.HB.

in

C.A.NO. 478/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPENSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

