

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 587/96

DATE OF ORDER : 28-09-1998.

Between :-

1. P. Ashok Vardhan
2. D. Brahma Nandam
3. M. Venkanna
4. Y. Ramulu

... Applicants

And

1. Director, DRDL (Defence Research Development Laboratory) & R.C.I., Chandrayenagutta, Hyderabad-500 058.

... Respondent

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Counsel for the Applicants : Shri S. Lakshma Reddy

Counsel for the Respondent : Shri V. Bhimanna, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R. Rangarajan, Member (A))

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Ms.V.Lakshmi for Sri S.Laxma Reddy, counsel for the applicant. None for the Respondent.

2. There are 4 applicants in this OA. They are working as Tradesmen 'E' in the office of DRDL and RCI, Chandrayanagutta. It is stated for the applicants that they are aspirants for promotion/Technician 'A' skilled grade. They were not called for selection on the ground that they are not possessing qualification of 10th class with ITI ^{Certificate} in terms of Schedule III to S.R.O.177 dt.16-8-95. The applicants have completed four and half years of service in Tradesmen 'E' grade. This OA is filed for a declaration that the newly prescribed additional minimum general educational qualification of X Class in addition to the I.T.I. certificate against the existing 8th class qualification will not apply retrospectively to the applicants who had obtained the I.T.I. with the then minimum 8th class qualification and consequently not calling the applicants for Assessment by Local Assessment Board scheduled on 13th and 14th May, 1996 for promotion against L.D.C.E. quota on the ground that they are not possessing X class qualification in addition to I.T.I. qualification as per S.R.O.177 dt.16-8-95 is illegal, arbitrary and for a consequential direction to the respondents ~~to~~ ~~are~~ ~~are~~ ~~are~~ ~~are~~ to consider them possessing ITI qualification for promotion against L.D.C.E. quota in the assessment conducted by Local Assessment Board on par with their juniors in Tradesman 'E' grade with all consequential benefits.

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3. S.R.O.178/95 dt.16-8-95 came into force with effect from 26-8-95. This S.R.O. replaces the recruitment rule of 29 posts which have been included in D.R.T.C. It is stated that the objective of constituting the new Technical Cadre was to re-organise and restructure the Group-B and Group-C Research and Technical posts under DRDO ensuring equitable chances of growth to all sections of the employees. The unified cadre of DRTC has a three-tier structure starting from the pay scale of Rs.950-1500 and going upto the pay scale of Rs.3000-4500 which is enclosed as Annexure R-1. In new the/scheme, the vacancy based promotion system has been replaced by a merit promotion system based on limited flexible complementing scheme. Under the new system, promotions have been totally delinked from occurrence of vacancies and all persons found meritorious can be promoted subject to the prescribed ceiling. The post held by an individual will be upgraded automatically once ^{he is} they ~~they~~ found suitable as per that scheme.

4. The scheme consists of filling up of 50% of vacancies from those holding posts of Tradesman 'E', Laboratory Attendant, Blue Printer and Ferro Printer on the date of commencement of these rules on completion of minimum 5 years regular service in the grade, after a special assessment, for a period of 5 years from the date of promulgation of these rules. The minimum qualifications and age limits as laid down in Schedule-III shall not apply in their case. 25% of the vacancies shall be filled through limited departmental competitive examination from amongst departmental employees with minimum three years regular service in Defence Research and Development organisation and possessing qualifications prescribed

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in Schedule-III but without any age limit, failing which the unfilled vacancies shall be filled by Direct Recruitment.

5. Schedule-III of the ~~of the~~ rules clearly states that the minimum qualification will be X class or equivalent combined with ITI qualification. The applicants obviously do not possess X class or equivalent qualification even though they are ITI certificate holders. Hence they cannot be considered against the 25% of the L.D.C.E. quota. We do not see any irregularity if they are not considered against the 25% of L.D.C.E. quota as they do not possess the necessary educational qualification. Limited Departmental Competitive Examination is meant to recruit qualified hands and such method cannot be challenged as/well sound organisation needs qualified hands to carry on their job.

6. However, the applicants have got equal opportunity to get promoted against the 50% promotional quota even though they are not possessing any additional educational qualifications provided they had put in 5 years of service in the lower grade; but the applicants do not possess the minimum service qualification of 5 years as they had put in only four and half years service on the date they are to be considered against 50% promotional quota.

7. In view of the above, the applicants are not eligible to be considered either against 25% L.D.C.E. quota or against the 50% promotional quota; no doubt the respondents will consider them against the promotional quota as and when they fulfill the necessary service eligibility condition.

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8. In view of what is stated above, we find no merit in the O.A. Hence the same is dismissed. No order as to costs.

BS
(B.S.JAI PARAMESHWAR)
Member (J)

28.9.98

MR
(R.RANGARAJAN)
Member (A)

D.R.Joshi
D.R.Joshi

Dated: 28th September, 1998.

Dictated in Open Court.

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OA. 587/96

Copy to:-

1. The Director, DRDL (Defence Research Development Laboratory) & R.C.I., Chandrayanagutta, Hyderabad.
2. The copy to Mr. S. Lakshma Reddy, Advocate, CAT., Hyd.
3. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

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23/10/98
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II COURT

TYPED BY
COMPILED BY

CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR:
M(J)

DATED: 28/9/98

ORDER/JUDGMENT

M.A/2.A/c.P.N.C.

in
O.A. NO. 587/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

