

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

C.A.1192/97.Dt. of Decision : 23-2-99.

G.Raghunatha Rao

.. Applicant.

Vs

1. The Govt. of India,  
Min. of Labour rep.  
by its Secretary,  
Jaisalmer House,  
Mansingh Road,  
New Delhi.

2. The Director General,  
Labour Welfare,  
Min. of Labour,  
Jaisalmer House,  
Mansingh Road,  
New Delhi.

.. Respondents.

Counsel for the applicant : Mr.G.Vidya Sagar

Counsel for the respondents : Mr. V.Rajeswara Rao, Adml.CGSC.

CORAM:-

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

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

R

n

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.Sudhir for Mr.G.Vidya Sagar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA is a Stenographer Gr-II in the scale of pay of Rs.1400-2300/-, which was subsequently revised to Rs.1400-2600/- by order No.18(2)/90 dated 3-8-90 (Annexure-R-1 to the reply) with retrospective effect from 1-8-86. The R-1 issued notification No.A-12026/15/87-WI dated 23-2-88 calling for applications from the list of officers in the grade of Head Clerk-cum-Accountants/Welfare Inspectors, Head Clerk Accountants Stenographers under Labour Welfare Organisation as on 15-2-88 for consideration for the post of Assistant Welfare Administrator. The applicant submits that his name is at Sl.No.24 of that list. However, he was not considered for the above post. The applicant submits that the promotional avenue to the Stenographers in the scale of pay of Rs.1400-2600/- has to be provided to the post of Welfare Administrator treating it as a feeder post or alternatively, to provide opportunity to the Stenographers for appointment as to the post of Asst. Welfare Administrator on transfer by amending the Recruitment Rules.

3. This OA is filed praying for a declaration that the action of the respondents in not providing promotional avenues to the Stenographers in the scale of pay of Rs.1400-2600/- is illegal, arbitrary and for a consequential direction to the respondents to provide the channel of promotion to the post of Welfare Administrator either by treating it as Feeder post or

-3-

alternatively provide opportunity to the Stenographers for appointment by transfer to the post of Asst. Welfare Administrator duly amending the Recruitment Rules of Asst. Welfare Administrator Recruitment Rules, 1987 and Welfare Administrator Recruitment Rules, 1988.

4. A reply has been filed in this OA. The main contention of the respondents in this OA is that the applicant has been given the scale of pay of Rs.1400-2600/- by the order dated 3-8-90 with retrospective effect from 1-1-86. As per the Recruitment rules for the post of Asst. Welfare Administrator only the Stenographers in the pay scale of Rs.1400-2300/- with 2 years in regular service in the grade are eligible for consideration for the post of Asst. Welfare Administrator treating that post as a feeder category for posting as Asst. Welfare Administrator. For this he has enclosed the letter No.A-21026/84/91-W1 dated 29-7-91 (Annexure- R-2 to the reply). As the applicant is in the scale of pay of Rs.1400-2600/- he is not in the feeder category for the post of Asst. Welfare Administrator and hence his case cannot be considered.

5. The applicant has brought to our notice ~~that~~ the <sup>eligibility</sup> eligible list issued for promotion to the post of Assistant Welfare Administrator enclosed as Annexure-VI to the OA. As his name is finding a place in that list he cannot be denied <sup>consideration for</sup> posting as Asst. Welfare Administrator even though he is in the scale of pay of Rs.1400-2400/-. The applicant on the date of issue of the said letter dated 23-2-88 was in the scale of pay of Rs.1400-2300/-. Hence his name was included. However, by ~~later~~ later order No.18(2)/90 dated 3-8-90 (Annexure-II) he was placed in the scale of pay of Rs.1400-2600/- with retrospective effect from 1-1-86, <sup>on</sup> the date when the memorandum dated 23-2-88 was issued the applicant was ~~not~~ not in the scale of pay of Rs.1400-2600/-. Hence his name was included for consideration

3

2

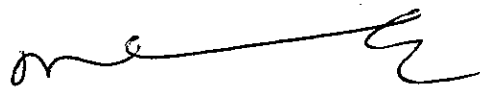
to the post of Assistant Welfare Administrator. Hence, relying of that letter the applicant cannot get any relief.

6. The second contention of the applicant is that one of his junior viz., Mr. P.S. Gupta was posted as Assistant Welfare Administrator and for this he has produced the seniority list of Asst. Welfare Administrator enclosed as page-23 to the CA. If the junior <sup>to</sup> of the applicant has been posted as Assistant Welfare Administrator by some selection and if the applicant had also applied for the same for that selection and if he is not selected and his junior is selected he should have challenged the selection of the junior then and there itself. The seniority list of Assistant Welfare Administrator is not a material for granting him such relief. Hence this contention is also rejected.

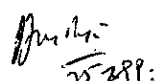
7. The main contention of the applicant is that he is not having proper promotional opportunities. It is for him to take up his case for offering him proper promotional opportunities <sup>to him</sup> on the respondents. The non consideration of his case for the post of Asst. Welfare Administrator is in accordance with the rules. If the Recruitment rule is amended to include the scale of pay of Rs. 1400-2600/- of the Stenographers also for consideration to the post of Asst. Welfare Administrator the applicant may have to be considered. Till then his case cannot be considered.

8. In view of what is stated above, we find no merit in this CA. Hence, the CA is dismissed. No costs.

  
(H.S. JAI PARMESHWAR)  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

23/4/99 Dated : The 23rd Feb. 1999.  
(Dictated in the Open Court)

  
25/2/99

Copy to:

1. HDHND
2. HHRD M(A)
3. HDSJP M(D)
4. D.R.(A) ✓
5. SPARE ✓

5/3/99  
Ist and IInd Court.

Typed By  
Compared by

Checked by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D. B. NASIR:  
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD  
MEMBER (A)

THE HON'BLE R. RANGARAJAN  
MEMBER (A)

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

DATED: 23/2/99

ORDER/JUDGMENT

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

IN

NO. : 1192/92

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

22 MAR 1999

हैदराबाद ब्याचकीट  
HYDERABAD BENCH