

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.607/94 Date of order: 6/7/2017

1. K.Prabhakaran, S/o late Sh.K.V.R.Nair, Stenographer Gr.III, Chief Engineer (MES) Jaipur Zone, Jaipur.
2. Smt.Santha Chandran, W/o late Sh.N.Chandran, working as Office Supdt.Gr.II, Chief Engineer, MES, Jaipur.
3. M.C.Sukumaran, S/o late Sh.M.K.Velayudhan, working as Office Supdt.II, Chief Engineer, MES, Jaipur.

...Applicants.

Vs.

1. Union of India through Secretary, Mini.of Defence, New Delhi.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, New Delhi.
3. Chief Engineer, HO Southern Command Engineers Branch, Pune.
4. Chief Engineer, MES, Jaipur Zone, Banipark Jaipur
5. MES 223976 Sh.G.Daniel, Office Supdt.Dr.I, through Chief Engineer, Southern Command, Pune.
6. MES/312223, Sh.P.K.Radhakrishnan Nair, Office Supdt. Gr.I, through Chief Engineer, Southern Command, Pune

...Respondents.

Mr.U.D.Sharma : Counsel for applicants

Mr.Arun Chaturvedi : for respondents.

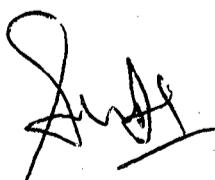
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.A.P.Nagrath, Administrative Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicants make a prayer to declare the ratio system 9:1 adopted by the respondent department as arbitrary and in



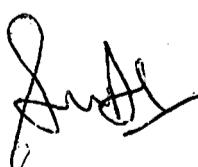
violation of Articles 14 & 16 of the Constitution of India and to quash the letter dated 31.5.75 and order 8.3.90 issued by respondent No.2 on the ground that because of the present ratio system the applicants have been deprived of their next promotion and hundreds of juniors have already been promoted as Office Supdt and many of them are Administrative Officers. The applicant has also challenged the order dated 31.5.75 on the ground that it has deprived the applicants of their valuable rights of promotion.

2. The letter dated 31.5.75 is regarding the recruitment rules concerning Clerical cadre and letter dated 8.3.90 is the order passed on representations dated 13.12.89 2.12.89 and 11.12.89 by respondent No.2.

3. Reply was filed. In the reply, it is stated that order dated 31.5.75 is perfectly legal and valid and it is followed strictly. It is stated that the applicants opted for promotion in Clerical Cadre, therefore, they shall be promoted in that cadre as and when vacancy arise. It is stated that the ratio system is neither arbitrary, discriminatory nor in violation of Articles 14 and 16 of the Constitution and the applicant has no case for interference by this Tribunal.

4. Heard the counsel for the parties and also perused the whole record.

5. No order regarding ratio system 9:1 adopted by the respondent department has been challenged in this O.A and only the system has been challenged. Therefore, without challenging the order by which the ratio system has been adopted, it will be difficult to say that the ratio system as adopted by the respondents' department is arbitrary and in violation of Articles 14 & 16 of the Constitution. In the

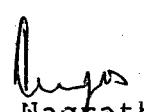


reply, the respondents' department has categorically stated that the ratio system as adopted by them is neither arbitrary/discriminatory nor in violation of Articles 14 & 16 of the Constitution. Therefore, in our considered view, the ratio system as adopted by the respondents' department cannot be declared as arbitrary and in violation of Articles 14 & 16 of the Constitution. The letter dated 31.5.75 appears to have been issued by respondent No.2, regarding recruitment rules in respect of Clerical cadre and these rules have not been challenged by the applicants. Admittedly the letter was issued on 31.5.75 but the applicants have challenged this letter in the year 1994, therefore, challenge by the applicants in the instant case is time barred. Moreover, on perusal of this letter, we do not find any ground to quash and set aside the letter dated 31.5.75.

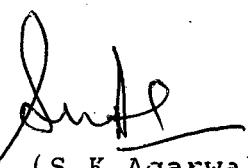
6. In the same way, the order dated 8.3.90 issued by the respondents' department on the representation filed by the applicants, appears to be in consonance with rules and procedures and we do not find any basis to quash and set aside the order. More so, the order dated 8.3.90 has been challenged after time fixed by law, therefore, the same is also barred by limitation.

8. In view of the discussions as above, we are of the considered opinion that the applicants are not entitled to any relief sought for and this O.A devoid of any merit is liable to be dismissed.

9. We, therefore, dismiss the O.A having no merit with no order as to costs.


(A.P.Nagrath)

Member (A).


(S.K.Agarwal)

Member (J).