

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 17.11.92

OA 274/98

Dina Nath Sharma, Electrical Overseer, Engineering & Transport Division,
Geological Survey of India, WRO, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Steel & Mines,
Department of Mines, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, Jawahar Lal Nehru
Road, Calcutta.
3. Sr.Dy.Director General, Geological Survey of India, Jhalana Doongri
Office Complex, Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the applicant ... Mr.P.P.Mathur, proxy counsel for
Mr.R.N.Mathur

For the Respondents ... Mr.V.S. Gurjar

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative Tribunals Act, 1985, applicant Dina Nath Sharma has prayed for a direction to the respondents to extend the benefit of Career Advancement Scheme dated 13.9.91 to the applicant and the case of the applicant be referred to the Ministry of Finance for considering his case for promotion under the Scheme and to give promotion to the applicant w.e.f. 1.1.92.

2. Applicant's case is that he was initially appointed on the post of

Gopal Singh

Electrical Overseer on 28.12.65 and he has been working on that post till date. The Government of India, Ministry of Finance, Department of Expenditure, vide their O.M. dated 13.9.91 introduced a Career Advancement Scheme (the Scheme, for short) of Group-C and D Employees. It is the contention of the applicant that since he has not been promoted at all during his service career, his case can be covered under this Scheme and he should be promoted to the next higher grade w.e.f. 1.1.92. The applicant made several representations in this regard but to no avail.

3. In the counter it has been admitted by the respondents that the Government of India has introduced the Career Advancement Scheme for Group-C and D Employees subject to the condition that the employees will get promotion to the next higher scale available in the normal line/hierarchy of promotion and in cases where no promotional grade is available, the Ministry of Finance will decide the promotional scale. There is no direct promotional channel from the grade of Electrical Overseer and so the concurrence of Ministry for higher scale is required. A proposal for grant of higher scale for 18 grades including Electrical Overseer was sent to the Ministry but the Ministry approved the higher scale for two grades only namely Machine Operator (Lib.) and Machine-man (Printing). It has, therefore, been averred by the respondents that this application is devoid of any merit and deserves dismissal.

4. Heard the learned counsel for the parties and perused the records carefully.

5. It would be appropriate to go through the Scheme of Career Advancement of Group-C and D Employees. In this connection, the relevant portion of Government of India circular dated 13.9.91 is extracted below:-

"2. This matter has accordingly been under consideration of the Government for some time past and the President is now pleased to

L. R. Patel

introduce a scheme to ensure at least one promotion in service career to each Group 'C' and 'D' employee. This scheme shall be applicable to (i) employees who are directly recruited to a Group 'C' or to Group 'D' post. (ii) employees whose pay on appointment to such a post, is fixed at the minimum of the scale; and (iii) employees who have not been promoted on regular basis even after one year on reaching the maximum of the scale of such post. The scheme will have the following basic features :-

- (a) Group 'C' and 'D' employees who fulfil the conditions mentioned at (i), (ii) and (iii) above will be considered for promotion in situ to the next higher scale.
- (b) Promotion in situ will be allowed after following due process of promotion with reference to seniority-cum-fitness.
- (c) The employees will get promotion in situ to the next higher scale available to them in the normal line/heirarchy of promotion. Promotions made on the basis of a qualifying or competitive departmental examination or subject to possessing or acquiring higher qualifications will not be treated as promotions in the normal line/heirarchy for the purpose of these instructions. In cases where no promotional grade is available, promotional scale will be decided by the Ministry of Finance. The promotional grade in case of Staff Car Drivers in the scale of Rs.950-20-1150-EB-25-1500 will be Rs.1200-30-1440-EB-30-1800."

It is a fact that there is no promotional channel for the post of Electrical Overseer held by the applicant. In terms of the provisions cited above, in cases where no promotional grade is available, promotional scale will be decided by the Ministry of Finance. It appears that the case of applicant has never been referred to the Ministry of Finance in

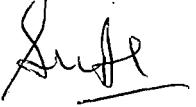
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this regard. Since he is functioning as Electrical Overseer right from the day he was initially appointed in 1965, we are firmly of the view that his case is fully covered by the Scheme introduced by the Government of India vide O.M. dated 13.9.91. In the circumstances, we find much merit in this application and the same deserves to be allowed.

6. The OA is accordingly allowed with a direction to the respondents to take up the case of the applicant for grant of benefit under the Scheme with the Ministry of Finance and extend the benefit to the applicant within a period of three months from the date of receipt of a copy of this order. No costs.


(GOPAL SINGH)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)