

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2434/2017

M.A.No.2577/2017

Tuesday, this the 25th day of July 2017

Hon'ble Mr. Justice Mr. Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Girish Kumar
s/o late Mr. Mihi Lal Singh
aged about 52 years
working as Assistant Chemist
o/o Chief Water Analyst (W&S) III
STP Okhla, Mathura Road
New Delhi – 25
R/o Flat No.53, Type III, Jal Vihar Colony
Lajpat Nagar I
New Delhi – 24
2. Suresh Chand s/o Mr. Prem chand
Aged about 42 years
working as Assistant Chemist
o/o Chief Water Analyst (W&S) II
Water Works Haiderpur
New Delhi – 110 085
r/o 496-E/2A/1, Rama Block
Bhola Nath Nagar, Shahdara
Delhi -32

..Applicants

[Mr. D S Mahendru, Advocate]

Versus

1. Delhi Jal Board through
The Chief Executive Officer
Varunalaya Phase II, Karol Bagh
New Delhi – 5
2. The Director (Admn. & Personnel)
Delhi Jal Board
Varunalaya Phase II, Karol Bagh
New Delhi – 5
3. Mr. Ram Murti Verma
Asstt. Chemist
o/o Chief Water Analyst (W&S) II

Water Works, Haiderpur
New Delhi – 110 085

4. Purshottam Singh
Asstt. Chemist
O/o Chief Water Analyst (W&S) I
Water Works, Wazirabad
New Delhi

..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

M.A. No.2577/2017

M.A. seeking joining together in a single petition is allowed.

O.A. No.2434/2017

Mr. D.S. Mahendru, learned counsel for applicants submits that there is some typographical error in the description of respondent No.1. He seeks leave of the Tribunal to rectify the error. Leave granted. Error rectified in the open Court.

2. The applicants and the private respondents are scheduled caste category candidates. They are working as Assistant Chemists with respondent No.1 (Delhi Jal Board). The next promotional post in the hierarchy of service is that of Chemist. Under the Recruitment Rules, the post of Chemist is to be filled up by promotion failing which direct recruitment. The official respondents have collected the Annual Confidential Reports (ACRs) for the last five years of as many as twelve candidates for their consideration for promotion to the post of Chemist vide letter dated 26.02.2016 (Annexure A-5). Respondent Nos. 3 & 4 are at Sl. Nos. 11 & 12 of the aforesaid letter.

3. The grievance of the applicants is that the said respondents though belong to scheduled caste category and above the applicants in the seniority list but they do not possess the requisite qualification for such promotion as prescribed under the Recruitment Rules. Mr. Mahendru has taken us to the Recruitment Rules for the post of Chemist. The qualification for the said post, as prescribed under paragraph 7 of the Recruitment Rules, are as under:-

“7. Education and other qualifications required for direct recruits

Essential

A(i) Master's degree in Chemistry from a recognized University or equivalent.

(ii) 2 years experience in quality control, analysis or treatment of water affluent and sewage in treatment plant.

OR

B(i) Degree in Science with Chemistry from a recognized University or equivalent.

(ii) 5 years experience in quality control, analysis or treatment of water affluent & sewage in a treatment plant.”

4. It is stated that respondent Nos. 3 & 4 are not science graduates with chemistry as a subject. To canvass his point, he has taken us to the mark sheets of said respondents, which are placed on record as Annexure A-6. The said mark sheets are for the B.Sc. (Agricultural) wherein the chemistry is not shown to be one of the subjects during the third year. The applicants have made two representations dated 17.04.2017 (Annexure A-1) and 01.06.2017 (Annexure A-2) to the Director (Administration & Personnel),

Delhi Jal Board, which are still pending and have not been disposed of till date.

5. In view of above circumstances, we dispose of this O.A. at the admission stage itself with direction to the Director (Administration & Personnel), Delhi Jal Board to examine and consider the said representations of the applicants, referred to hereinabove, and dispose of the same within a period of two months from the date of receipt of a copy of this order by passing a reasoned and speaking order. Till the representations are disposed of, respondent Nos. 3 & 4 shall not be considered for promotion to the post of Chemist.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

July 25, 2017
/sunil/