

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.2724/2012

This the 25th day of July, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Brij Mohan Mittal S/o late Rameshwar Dass Mittal,
R/o 2404, Sector 16, Faridabad
(Haryana) - 121002. ... Applicant

(By Mr. M. K. Bhardwaj, Advocate)

Versus

Steel Authority of India Ltd.
through its Chairman,
Steel Authority of India Ltd.,
Ispat Bhawan, Lodhi Road,
New Delhi-110003. ... Respondent

(By Mr. Alakh Kumar and Mr. Harish Sharma, Advocates)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant joined the service of Steel Authority of India, the respondent herein, as a Senior Coordinator in the pay scale of Rs.1790-3001, in the year 1991. The respondents evolved a policy for promotion from non-executive to executive cadre. It provides for upward movement of the non-executive employees to executive cadre, on completion of certain length

of service. The length of service, however, differs depending upon the qualifications held by the candidates. Different parameters are stipulated for technical and non-technical employees. The applicant states that though he was entitled to be upgraded to the executive category on completion of seven years of service, the benefit was extended to him only on completion of nine years of service, and thereby he was deprived of his valuable right. This OA is filed with a prayer to declare the recruitment rules, and in particular, the promotion policy as illegal, arbitrary and discriminatory, and to direct the respondent to extend to him the benefit of promotion with effect from the date on which he completed seven years' service.

2. The respondents filed counter-affidavit opposing the OA. It is stated that the recruitment rules and the policy do not suffer from any legal infirmity, and the applicant has been extended the benefit which he is otherwise entitled to.

3. Heard Shri M. K. Bhardwaj, learned counsel for the applicant, and Shri Alakh Kumar and Shri Harish Sharma, learned counsel representing the respondent.

4. Though the recruitment rules and the policy are challenged, nothing serious is argued on that aspect at the stage of hearing. The emphasis was mostly on the interpretation of clause 10.0 (b) of the policy for promotion from non-executive to executive cadre. The provision reads as under:

“10.0 NON-TECHNICAL

The same policy for promotion to supervisory posts will be followed for promotion of non-executives to executive in the non-technical categories too, excluding doctors posts in Medical, Research posts in Research and Development and in such other departments where specialized or statutory qualification is needed.

The prescribed eligibility in Non-Technical category will be as given below:

xxx xxx xxx

- b) 11 years of service in S-8/S-9/S-10 in cluster C/Y as the case may be for matriculates, 9 years of service for graduates and post graduates and 7 years of service for those having Graduation or Post-graduation with Professional qualification.”

From this, it becomes clear that a non-executive, non-technical employee, would be entitled to be promoted to the executive category on completion of 11 years of service in the concerned category if he is a matriculate, and on completion of 9 years of

service if he is a graduate or post-graduate, and after 7 years of service, if he is graduate or post-graduate with professional qualification. The applicant claims to have obtained a diploma in certain area of study. However, it is not stated that it is a professional qualification. The respondents have categorically stated that the applicant is not entitled to be extended the benefit of promotion on completion of 7 years, and on the basis of the qualifications held by him, he was promoted on completion of 9 years of service. The applicant is not able to demonstrate as to how the action of the respondents is vitiated.

5. We do not find any merit in this OA. It is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/