

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/1644/2014

New Delhi, this the 19th day of December, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Bimlesh
W/o Shri Sanjay
Aged about 42 years
Working as Laboratory Assistant
R/o H.No. 2/202, East Gokal Puri
Shahdara, Delhi-94

....Applicant

(Through Shri M.K. Bhardwaj, Advocate)

Versus

Govt. of NCT of Delhi through

1. The Chief Secretary
Govt. of NCT of Delhi,
Delhi Secretariat,
I.P. Estate, New Delhi
2. The Director,
Directorate of Education
Govt. of NCT of Delhi,
Old Secretariat, Delhi
3. The Dy. Director of Education (Vocational)
Directorate of Education,
Plot No.5, Jhandewalan,
Karol Bagh, Delhi-110005

... Respondents

(Through Ms. Pratima Gupta, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant is working as a Laboratory Assistant (LA) (Vocational) in the Directorate of Education, Government of National Capital Territory of Delhi. There is no promotional avenue for this post. The association of the LAs (Vocational) made representations to the Administration with a request to amend the Recruitment Rules (RRs) providing for promotional avenues. It is stated that acting on the representation, not only the proposal was taken forward but also the draft amendments to be incorporated, were framed.

2. The grievance of the applicant is that on account of inaction on the part of the respondents, she and other similarly situated persons are facing prolonged stagnation. This OA is filed with a prayer to declare the inaction on the part of the respondents as illegal and arbitrary and to direct the respondents to finalize the amendment to the RR's providing for promotion to the extent of 25% quota for LA (Vocational) and PGT (Vocational).

3. The respondents contend that the applicant does not have any vested right to claim promotion and that measures such as ACP and MACP have already been introduced to address such issues. It is also stated that Writ Petition (C) 8299/2011, **Anil Kumar and ors. Vs. Govt. of NCT of Delhi and ors.**, wherein similar relief was claimed, has been dismissed by the Delhi High Court through order dated 21.02.2013.

4. We heard Shri M.K. Bhardwaj, for the applicant and Ms. Pratima Gupta, for the respondents.

5. The concern of the applicant is about absence of promotional avenues to the post of LA (Vocational). A perusal of the documents filed in the OA discloses that acting on the representation made by the group of LAs (Vocational), the Administration has examined the issue and certain amendments were also proposed. Various senior officials have offered their comments regarding the steps to be taken to address the issue of stagnation.

6. We are aware of our limitations in such matters. We cannot give any specific direction either to frame or to amend the rules. At the same time the process which has progressed to certain extent needs to be given

finality. It is not in the interest of anyone to keep the issue pending indefinitely. The respondents cannot be expected to act on the representation made by an individual employee. Instead a collective representation can be made to the respondents. The latter, in turn, need to take a decision on the issue so that the uncertainty does not remain for a long time.

7. We, therefore, dispose of this OA leaving it open to the applicant to make a representation along with similarly situated persons ventilating their grievance. As and when such representation is made, respondents shall take a final decision thereon within a period of three months and communicate the same to the agency, which makes the representation. There shall be no order as to costs.

(K.N. Shrivastava)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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