

**Central Administrative Tribunal  
Principal Bench**

**OA No.1872/2014**

New Delhi, this the 26<sup>th</sup> day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Smt. Neelam Aggarwal,  
Age 50 years,  
Desi: Lab Technician,  
W/o Shri Vinod Kumar,  
R/o 1/15, Roop Nagar,  
Delhi-110 007.

...Applicant

(By Advocate : Shri Ashwani Bhardwaj)

**Versus**

1. Govt. of NCT of Delhi,  
Through the Chief Secretary,  
5<sup>th</sup> Floor, Delhi Sachivalya,  
I.P. Estate, New Delhi.
2. The Drug Controller,  
Government of NCT of Delhi,  
Drugs Control Department,  
F-17, Karkardooma,  
Delhi-110 032.

...Respondents

(By Advocate : Ms. Sangita Rai)

**ORDER (ORAL)****Justice L. Narasimha Reddy, Chairman :-**

The applicant was appointed as Lab Technician in the office of the Drugs Control Department of Govt. of NCT of Delhi in October, 1990, on being selected by prescribed agency.

2. In the establishment of the department, there exists a post by name Senior Scientific Assistant, (SSA) (Chemistry). The appointment to that post is 75% through direct recruitment and 25% by way of promotion. An advertisement was issued on 27.01.2014, inviting applications for selection and appointment to the post of SSA (Chemistry) through direct recruitment.

3. The applicant contends that she made repeated representations to the respondents to amend the Recruitment Rules for the post of SSA (Chemistry), to include the post held by her i.e. Lab Technician in the feeder category, and respondents issued reply dated 25.04.2014, rejecting the same. According to her though the benefit of ACP and MACP was given to her, she did

not get any promotion throughout her service, spread over to 29 years.

4. This OA is filed challenging the Memorandum dated 25.04.2014, the advertisement dated 27.01.2014 and for directing the respondents to promote her to the post of SSA with all consequential benefits.

5. The respondents filed counter affidavit opposing the OA. It is stated that the Lab Technician is an isolated post, in the establishment and it did not figure in the feeder category for promotion to the post of SSA. It is stated that taking the same into account, the applicant was adequately compensated for stagnation, by extending her the benefit of ACP and MACP and she cannot feel any grievance. It is also stated that an employee cannot seek relief in the form of a direction to amend the Recruitment Rules and that it is always the prerogative of the rule making authority to take any decision in that behalf.

6. We heard Shri Ashwani Bhardwaj, learned counsel for applicant and Ms. Sangita Rai, learned counsel for respondents.

7. The applicant was holding the post of Lab Technician since 1990. It is stated to be an isolated post and not figuring in the feeder cadre for promotion to any higher post. She made an effort to impress the respondents as well us, by stating that she supervises the work of Lab Assistants and though the post of Lab Assistant is included in the feeder category for the post of SSA, the Lab Technician is not included. Had the statement made by the applicant been true, the anomaly can certainly be perceived. The fact of the matter is that what figures in the feeder category for promotion to the post of SSA, is Lab Assistant (Chemistry); and not Lab Technician, as such. The respondents at one stage, even stated that the post of Lab Assistant does not exist, at all. We do not intend to address that issue in detail. The post of SSA itself is chemistry based and naturally the Lab Assistant (Chemistry) is treated as feeder category.

8. It is not uncommon that many employees do not get the promotion for want of avenues or vacancies. To compensate such employees, on account of stagnation, the Government of India introduced the scheme of ACP. If an employ does not get any promotion from a post, for a period of 12 years, the benefit equivalent to the next

higher post is extended. The same facility is created, if the stagnation takes place, in the next spell of 12 years. The applicant herein was extended the first ACP on 01.04.2003. The MACP scheme is the modified form of the ACP. Under that, the benefit is extended at three stages, namely, on completion of 10, 20 and 30 years. The applicant was extended the benefit of 2<sup>nd</sup> MACP also on 19.10.2010. Therefore, it cannot be said that she has a genuine grievance. It is for the Government or the concerned department to frame the Recruitment Rules, and to provide the necessary feeder category. An employee cannot insist on a particular post, being included in that category.

9. We do not find any merit in the OA and the same is accordingly dismissed.

There shall be no orders as to costs.

(Mohd. Jamshed)  
Member (A)  
'rk'

(Justice L. Narasimha Reddy)  
Chairman