

(1992) 03 DEL CK 0011

In the Delhi High Court

Case No : Civil Writ Petition No. 1782 of 1991

A.K. Sharma

APPELLANT

Vs

Indian Airlines Corporation and Another

RESPONDENT

Date of Decision : 13-03-1992

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1992) 23 DRJ 16

Hon'ble Judges : Sat Pal, J;G.C. Mittal, J

Bench : Division Bench

Advocate : B.S. Charya and Kailash Vasdev, for the Appellant;

Judgement

Sat Pal, J.

(1) In this writ petition the petitioner has approached this Court to hold that the panel for promotion to the post of chargehand will continue to operate till all the panelists including the petitioner are absorbed.

(2) The posts of chargehand are filled up by 75% under promotion quota from amongst the employees in the Indian Airlines Corporation and the remaining 25% under the direct recruit quota from amongst master technicians, senior technicians and technicians in the same trade. In the present writ petition we are concerned with the direct recruit quota. The applicants who fulfilled the eligibility criteria with regard to the qualifications/experience in the trade are called for interview before a duly constituted board and those selected and found fit are placed on the panel. To regulate the above mentioned ratio at any point of time a running roster is maintained in which three posts are earmarked under promotion quota and 4th post is earmarked under the direct recruit quota and so on.

(3) In terms of Rule 13 the validity of the panel is for a period of one year from the date of approval of the same by the competent authority. In the present case the panel was drawn on 28th June, 1990 and was valid till 27th June, 1991. It

may also be relevant to point out here that in terms of settlement between the employees association, namely, Indian Aircraft Technician Association and the Management, the post of chargehand was abolished with effect from 1st January, 1991.

(4) Mr. Charya, the learned counsel for the petitioner contended that for filling up the post of chargehand under the direct recruitment quota Rule 13 was not applicable and in fact Rule 18 applies for recruitment under the direct quota as such the panel will continue to operate till all the panelists are absorbed. Rule 18 reads as under;-

"RULE18:- The promotion committees will meet from time to time "and will draw up panel of names of employees considered suitable for promotion in vacancies which may arise and which are to be filled up by promotion. Such a list will be reviewed every three months and earlier, if considered necessary."

It will be seen that Rule 18 talks about drawing up of a panel but the period for which panel will be valid, is governed by Rule 13 which reads as under:-

"RULE13:- The Board shall proceed to arrange their selection in order of merit and shall also keep a suitable number of candidates on the waiting list. Such a waiting list may be used for filling vacancies that may arise subsequently, but it will lapse after a period of one year when the procedure as outlined above may be followed afresh, provided that in preparing the lists the Board shall pay due attention to the circular issued by the Home Ministry, from time to time, in the matter of safeguarding adequate representation of members of Scheduled Castes and Scheduled Tribes in non-technical posts."

(5) In fact the petitioner himself in his representation dated 1st May, 1991 addressed to the Management clearly stated that the panel for selection is valid for one year. In view of these facts the contention raised by Mr. Charya has no merit. Even otherwise the inclusion of petitioner's name in the merit list does not confer any right on him to be selected. In this connection reference may be made to a recent decision of the Supreme Court in *Shankarsan Dash Vs. Union of India*, .

(6) Though the petitioner had nowhere alleged that any of his junior on the panel has been promoted to the post of chargehand but still to straighten the facts, we had directed the learned counsel for the respondents to produce the original records. From the original record it has been found that the name of the petitioner under selection quota appears at Serial No.8 and the panel under this quota is of eight candidates. None of his junior has been promoted to the post in question during the period the panel was valid. The petitioner, Therefore, cannot have any grievance for having not been promoted to the said post.

(7) The arguments in this case were heard in part on 27th February, 1992 and the case was adjourned to 6th March, 1992 for production of original records as stated hereinabove. Meanwhile, an application for amendment of the writ petition

has been filed by the petitioner. In this application the petitioner has mainly challenged the abolition of the post of chargehand with effect from 1st January, 1991. As stated above the post of chargehand was abolished pursuant to a settlement between the employees association and the management and some alternative avenues for promotion to the equivalent post has been opened by virtue of the said settlement, the petitioner cannot be permitted to raise this point in the extra-ordinary writ jurisdiction. The application has been filed with a view to delay the decision in this case. Accordingly, the application is dismissed.

(8) In view of the above discussion the writ petition which is devoid of any merit is dismissed. No order as to costs.