
(2001) 01 SC CK 0052

In the Supreme Court Of India

Case No : Civil Appeal No. 644 Of 1994??.

Union of India (UOI) and Another

APPELLANT

Vs

R.L. Sangal and Another

RESPONDENT

Date of Decision : 16-01-2001

Acts Referred:

Cantonments Act, 1924 — Section 280(2)(c)
Constitution of India, 1950 — Article 16

Citation : AIR 2001 SC 1966 : (2001) AIRSCW 1639 : (2001) 3 ALT 61 : (2001) 4 JT 198 : (2001) 3 SCALE 1 : (2001) 4 SCC 485 : (2001) 3 Supreme 17 : (2001) 1 UC 591

Hon'ble Judges : G. B. Pattanaik, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

G.B. Pattanaik J.-This appeal by the Union of India is directed against the impugned order dated 26-4-1993 passed by the Central Administrative Tribunal. The Tribunal by the impugned order has directed that Shri R. L. Sangal, who was the applicant before the Tribunal should be promoted to Group A from the date his junior in Group B. T. B. Bhowmik was promoted. Shri Sangal is Respondent 1 and Shri Bhowmik is Respondent 2 in the present appeal. Mr. Quadri, the learned counsel appearing for the Union of India vehemently contested the correctness of the impugned direction of the Tribunal, inter alia, on the ground that Respondent 1 could not have been considered senior to Respondent 2 in Group B particularly when Respondent 1 passed the departmental examination in the year 1983 and Respondent 2 had passed the departmental examination in 1981. The appointment and promotion to the posts of Group A and Group B are made under a set of rules called the Military Lands and Cantonment Service Rules, 1951 which have been framed by the Central Government in exercise of powers conferred by clause (c) of sub-section (2) of Section 280 of the Cantonments Act, 1924. The aforesaid Rules, for short the Recruitment Rules thus have statutory force. On examining the different provisions of the aforesaid Rules, we do not

find any provision which makes it obligatory to pass departmental examination as a condition precedent for considering the case of promotion to Group A post. That being the position, Respondent 1 having been appointed on 22-9-1972 in Group B and Respondent 2 having been appointed to the said post in Group B on 5-4-1976 roughly three-and-a-half years after, could not have got appointment on a substantive post in 1981 merely on the ground that he passed the departmental examination in the year 1981. In this view of the matter in the cadre of Group B, Respondent 1 was rightly held to be senior to Respondent 2 and necessarily therefore when Respondent 2 was promoted further to Group A, non-consideration of Respondent 1 at that stage was vitiated and violated the provision of Article 16. In the aforesaid premises, we see no infirmity with the impugned direction of the Tribunal so as to be interfered with by this Court. The appeal accordingly fails and is dismissed.