

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7922-7923 OF 2011
(Arising out of SLP(C) No.6975-6976/2010)

UNION OF INDIA & ORS.

Appellant(s)

:VERSUS:

J. EDWARD SIMON & ANR.

Respondent(s)

O R D E R

1. Delay condoned. Leave granted.
2. We have heard the learned counsel for the parties.
3. Learned senior counsel appearing on behalf of the Union of India has drawn our attention to an Office Memorandum dated 9.1.1978, issued by the Government of India, Indian Space Research Organisation (Page 52 of the Paper Book), para 1.3 of which deals with the posts of Laboratory Technicians. He submitted that there are three grades in the category of Laboratory Technicians which are as under :

- i) Lab. Technician 'A' - Rs.320-6-326-8-390-10-400
- ii) Lab. Technician 'B' - Rs.380-12-500-EB-15-560
- iii) Lab. Technician 'C' - Rs.425-15-500-EB-15-560-20-700

4. Learned senior counsel further submitted that a candidate who joins as Lab. Technician 'A', is considered for promotion to Lab. Technician 'B' and Lab. Technician 'B' is considered for promotion to the post of Lab. Technician 'C'. After Lab. Technician Grade 'C', there are no further promotional avenues for Lab. Technicians and both the Central Administrative Tribunal and the High Court have fallen in error in directing that the cases of those employees who joined as Lab. Technician 'C', needs to be reviewed once in three years for giving them better promotional prospects.

5. In the present case, in absence of any further promotional avenues in the category of Lab. Technicians Grade 'C', the respondents cannot be promoted to any other position or higher post.

6. In our considered view, the respondents cannot be considered for further promotion from Lab. Technician 'C'. Consequently, the impugned judgment of the High Court and that of the Central Administrative Tribunal are set aside.

7. These appeals are allowed leaving the parties to bear their own costs.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
September 15, 2011.

JUDGMENT