

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 12892-12893/1996@@
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K.K. Uthaman & Ors. .. Appellant

Vs.

Union of India & Ors. .. Respondents

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The appellants before us were the applicants in proceedings before the Central Administrative Tribunal, Madras Bench (hereinafter referred to as the Tribunal). The claim by them is that respondent Nos. 3 to 6 could not be included in the cadre of Assistant Professors in the Government Art Colleges in Pondicherry, Karaikkal and Mahe and Yanam.

Initially, the Government Colleges established at Pondicherry and Karaikkal were affiliated to the Madras University which offered Pre University and Degree Courses and in these colleges there were different categories of posts :

- (i) Assistant Professor
- (ii) Tutor/Demonstrator with Post Graduate
- (iii) Tutor/Demonstrator without Post Graduate qualification

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Recruitment to these posts were governed by statutory Recruitment Rules. According to these rules, 50% of the posts of Assistant Professors are to be filled up by direct recruitment and 50% by selection from among Tutor or Demonstrator in the subject concerned with service of at least 3 years and having Honours or Post Graduate degree with first or second class. For the other two regions of the Union Territory, namely, Mahe and Yanam, a Pre-Degree College and a junior College respectively were started from 1970-71 and these two regions fall in Kerala and Andhra Pradesh State, which did not have the Pre-University Course, but two courses known as Pre-Degree in Mahe and Intermediate Course in Yanam.

The Tribunal examined the facts very minutely and came to the conclusion that although recruitment rules for the posts in Mahe and Yanam were not applicable to the posts these rules were followed for filling up of these posts through advertisement in respective years. Thereafter interviews were conducted and the candidates appointed to the post of Assistant Professors in the scale

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of 300-25-600 to the College at Mahe and Yanam. It is in this background, the Tribunal found that the statutory rules applicable in Pondicherry and Karaikkal in respect of appointments made to the posts of Assistant Professors are made applicable to the post of Assistant Professors in Mahe and Yanam. The posts to which respondents 3 to 6 were recruited were the posts of Assistant Professors though at that time they were not designated so. It was later on that anomaly was noticed and rectified by an order made on 21.11.1973. The Recruitment had been done to these posts following the same Recruitment rules and prescribing the same qualifications as prescribed in respect of the Colleges at Pondicherry and Karaikkal. It is in this background the Tribunal found that the respondents Nos. 3 to 6 and the appellants designated as Assistant Professors belonged to the same cadre. If it is determined that they are in the same cadre then it now follows that at least from the date of the issue of the order dated 21.11.1973 when the respondents are redesignated as Assistant Professors, the petitioners who were promoted to the rank of Assistant Professors between years 1975

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and 1980 could not have any grievance. The line of reasoning adopted by the Tribunal is perfectly justified and calls for no interference. The appeals are therefore dismissed.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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September 27,2001 @@
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