

SUPREME COURT OF INDIA

J.E. Dawson

Vs.

National Museum & Ors.

C.A.No.2514 of 2002

(H.K.Sema and Markandey Katju,JJ.)

21.02.2008

ORDER

1. Heard the parties.

2. The controversy involved in this appeal is with regard to the promotion from the post of Deputy Keeper(Archaeology) to the post of Curator/Keeper (Archaeology). Under the Rules the post of Deputy Keeper (Archaeology) is a feeder post for promotion to the post of Curator/Keeper(Archaeology). Under the relevant recruitment rules the requisite qualification is five years serving as Deputy Keeper(Archaeology).

3. The question raised in this appeal is, as to whether the appellant possessed requisite qualification for the promotion to the post of Curator/Keeper(Archaeology). Undisputed facts are that the appellant was appointed as Deputy Keeper(Archaeology) on 01.04.1992. He was promoted to the post of Curator/Keeper (Archaeology) on 22.06.1999. The Rules clearly provides that for the post of Keeper(Archaeology) the appointment is made by way of promotion, failing which by direct recruits. The Tribunal also found that the requisite qualification is five years in the grade. The Tribunal has also recorded a finding that the respondent was not Deputy Keeper(Archaeology) and, therefore, he is not entitled to be promoted to the post of Curator/Keeper(Archaeology).

4. The appellant was appointed as Deputy Keeper(Archaeology) with effect from 01.04.1992 and he was promoted to the post of Curator/Keeper(Archaeology) on 22.06.1999. We are of the view that the appellant has possessed requisite qualification of five years in the grade. In that view of the matter, the conclusion recorded by the High Court and the Tribunal that the appellant did not possess requisite qualification is clearly erroneous and is accordingly set aside.

5. The appeal is allowed. No costs.