

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(15)

O.A.2531/2001

New Delhi this the 12th day of November, 2002

**Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).
Hon'ble Shri Govindan S. Tampi, Member(A).**

P.R. Ramachandran Nair,
(Dy. Manager),
S/o Late P.N. Ramakrishnan Nair,
R/o Laxmi Niwas,
PO Parumala Thiruvalla,
Distt. Pattaanamthitta,
Kerala. ... Applicant.

(By Advocate Shri B.K. Sinha)

Versus

1. Union of India through
the Secretary, Ministry of Urban
Affairs and Poverty Alleviation,
Nirman Bhawan, New Delhi.
2. Shri H.A. Yadav (Director),
Directorate of Printing,
'B' Wing, Nirman Bhawan,
New Delhi.
3. The Secretary,
UPSC, Shahjahan Road,
New Delhi. ... Respondents.

(By Advocate Shri N.K. Aggarwal, senior counsel)

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Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

The applicant seeks a direction to the respondents to consider his case for promotion to the post of Manager, Govt. of India Press and his grievance is that his juniors have been promoted to those posts.

2. We have heard Shri B.K. Sinha, learned counsel for the applicant and Shri N.K. Aggarwal, learned senior counsel for the respondents. The learned

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counsel for the respondents has also produced the DPC proceedings file and the other relevant records.

3. The applicant has contended that he is the second seniormost Deputy Manager and has completed 20 years of service but he has not been empanelled against the vacant post of Manager. Shri B.K. Sinha, learned counsel has submitted that the promotion to the post of Manager is a non-selection post and has to be filled on the basis of seniority-cum-fitness.

4. Another contention of the learned counsel was that the applicant has not been considered by the Selection Committee in the DPCs held on 9.2.1999 and 17.7.2001, for which purpose we have called for the relevant records.

5. Shri N.K. Aggarwal, learned senior counsel has controverted the above submissions of the learned counsel for the applicant. Columns 5 and 12 of the relevant Recruitment Rules i.e. the Ministry of Urban Affairs and Employment, Directorate of Printing, Group 'A' and Group 'B' Posts Recruitment Rules, 1996 which were notified on 10.1.1997, provide that the post of Manager/Works Manager/Deputy Director (Technical) is a promotion post on selection basis. Therefore, the contention of the learned counsel for the applicant that the selection has to be done on the basis of seniority as if it is a non-selection post is rejected as contrary to the provisions of the Recruitment Rules. The respondents have submitted in their counter affidavit that the

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applicant has been considered by the DPC in its meeting held on 9.2.1999 and 17.7.2001 along with other eligible officers but was not found fit for promotion to the post of Manager. We have also perused the DPC proceedings file and the other relevant records and find that the position stated by the respondents is correct.

6. Therefore, in the facts and circumstances of the case and having regard to the provisions of the Recruitment Rules for promotion to the post of Manager, it cannot be held that the action of the respondents is either arbitrary or illegal to justify any interference in the matter. As we find no merit in this application, the O.A. fails and is dismissed. No order as to costs.

(Govindan S. Tampi)
Member (A)

'GRD'

Lakshmi Somaiya
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)