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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No. 1718/99  
MA No. 1684-99

New Delhi, this the 9th day of August, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)  
HON'BLE MR. R.K. AHOOJA, MEMBER (A)

**In the matter of :**

1. Shri Subhash Chandra  
s/o late Shri Chhadi Lal  
r/o Q.No. 923, Type-II,  
Delhi Admn. Flats, Gulabi Bagh,  
Delhi. 110007
2. Shri Pritam Singh  
s/o Shri Mehar Singh  
r/o House No. 368, Vill: Poonampur  
(Near Palam), Delhi.
3. Shri S.P. Malhotra  
s/o late Shri R.S. Malhotra  
r/o 52/2-A, Anarkali Garden,  
Gali Mahadev, Jagat Puri,  
Delhi. 110051
4. Shri Dharan Pal  
s/o late Shri Charan Singh  
r/o V-489, Gali No. 16-17, Main Road,  
Vijay Park, Delhi. 110053
5. Shri Sudhir Singh Verma  
s/o Shri Radhey Shyam Verma  
r/o T-29, Sherda Puri,  
Ramesh Nagar, New Delhi. 15
6. Mrs. Saroj Gupta  
w/o Shri Pradeep Garg  
r/o 26/87, Bhikhi Nagar,  
Delhi.
7. Shri P.C. Rana  
s/o late Shri Giridhari Lal Rana  
r/o A-163, Nand Ram, Uttam Nagar,  
New Delhi.
8. Shri Mucari Lal  
s/o Shri Sanwari Lal  
r/o Flat No. 830, Sector-111,  
M.B. Road, Saket, New Delhi.

Contd... 2/p

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9. Shri Sunder Lal  
s/o Shri Ram Swaroop  
r/o B-547, Raghbir Colony,  
Gali No.4/5, Kondli, Delhi.
10. Shri Har Govind Singh  
s/o Shri Ram Chander  
r/o B-3/145, Mohalla Nabi Karim,  
Chandi Mandir Road, Hapur,  
Ghaziabad, U.P.
11. Shri Ramesh Chander  
s/o Shri Chhajju Ram  
r/o 61/A, Nand Enclave,  
Gopal Nagar, Najafgarh,  
New Delhi.
12. Shri Nand Kishore  
s/o late Shri Roop Lal  
r/o B-80, Raj Nagar, Palam Colony,  
New Delhi.
13. Shri Brahma Prakash Singh  
s/o Shri Tej Singh  
MU-34/B, Pitam Pura,  
Delhi.110034
14. Shri Roop Ram Banswal  
s/o late Shri Ram Singh Banswal  
r/o A-3/45, Sector-IV, Rohini,  
Delhi.110085
15. Shri Devi Dayal  
s/o Shri Mangloo Ram  
r/o B-7/115, Sector-11K,  
Rohini, Delhi.110085
16. Shri Anand Kumar  
s/o Shri Lal Singh  
r/o F-57, Nanak Pura,  
New Delhi.110021
17. Shri Surinder Kumar  
s/o Shri Hazari Ram  
r/o str.No.33, Sector-VIII,  
R.K.Puram, New Delhi.
18. Shri Kailash Chand  
s/o late Shri Mangat Ram  
r/o 151, Mimri Colony,  
Delhi Adm. Flats, Ashok Vihar,  
Delhi.110052
19. Shri Haris Kumar  
s/o late Shri Tej Ram  
r/o 436, Lancer's Road,  
Timarpur, Delhi.

CAR

20. Shri Mukesh Kumar  
s/o. Shri Hari Krishan  
r/o A-67, Bhim Vihar,  
Gali Johripur, Delhi.  
(By Advocate Shri Rajeev Kishore)  
Versus

... APPLICANTS

1. Govt. of National Capital Territory  
of Delhi, Through its Chief Secretary,  
5, Sham Nath Marg,  
Delhi.110054

2. Secretary Finance,  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Delhi.110054

3. Dy. Secretary (Fin.) Accounts,  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Delhi.110054  
(None for respondents)

... RESPONDENTS

O R D E R (ORAL)

By REDDY. J.

Heard counsel for applicant on admission.

2. The applicants were promoted by order dated 7.8.98 along with the others from post of Junior Accounts Officers (JAOs, for short) to the post of Assistant Accounts Officers (AAOs, for short) in the pay scale of Rs.6500-10,500 with retrospective effect from 29.6.98. The grievance of the applicant is that he was eligible to be appointed in 1996 itself as he had completed 2 years of regular service in the post of JAO and the respondents ought to have appointed him in 1996 itself. He also submit that there were posts vacant at that time. Learned counsel for applicant also submits that in 1994 vide order dated 5.8.94 the batch of JAO's have been promoted who had completed the qualifying service of 2 years with retrospective effect from the date given in the above order with all consequential financial benefits.

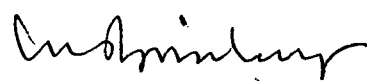
CAB

3. We are not convinced of this submission. It is for the employer to fill up the post depending upon the exigencies of service. the employee has no right under law to compel the employer to fill up the post merely on the ground that the employee has completed the qualifying service in the post. Even assuming that the other batch of JAO's has been promoted earlier in 1994 that cannot give a right to the applicants to compel an employer to fill up the post only on the ground that the applicants have completed the qualifying service. The ground of discrimination is also not available to them as the applicant has no right claiming promotion whenever the post is vacant. This OA also suffers from the ground of limitation. If the applicant was aggrieved by the inaction of the respondents for not promoting them in 1996 the applicants ought to have approached this Court in 1996 itself.

4. For the above reasons the OA is dismissed. No costs.

  
( R.K. AHOOGA )  
Member (A)

"sd"

  
(V. RAJAGOPALA REDDY)  
Vice Chairman (J)