

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

DA 1824/95

New Delhi this the 11th day of September, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri K. Muthukumar, Member (A)

In the matter of

1. Sh. Mahendra Kumar  
S/O Sh. Mehar Chand  
Village Chandawali,  
P.O. Balabgarh,  
Distt. Faridabad.
2. Om Chand  
S/O Shri Babu Ram,  
Village-Phapunda,  
P.O. Dayalpur  
Tehsil-Balabgarh,  
Distt. Faridabad.
3. Ranvir Singh  
S/o Shri Hari Chand  
Village Hosangobad  
P.O. Chajhuna,  
Tehsil-Palwal,  
Distt. Faridabad.

... Applicants

(None for the applicants)

Versus

1. The Central Provident Fund Commissioner,  
9th Floor, Mayur Bhawan,  
Connaught Place, New Delhi-1
2. Shri O.P. Dhiman,  
Head Clerk,  
C/O Regional Provident Fund Commissioner,  
Haryana, Sector-16-A,  
Faridabad.
3. Shri Shiv Dhan Sharma,  
Head Clerk,  
C/O Regional Provident Fund Commissioner,  
Haryana, Sector-16 A,  
Faridabad.
4. Shri Budhi Mal Sharma  
C/O Regional Provident Fund Commissioner,  
Haryana,  
Sector-16A,  
Faridabad.
5. Regional Provident Fund Commissioner,  
Haryana, Kothi No. 635, Sector 16-A,  
Faridabad.

... Respondents

(By Advocate Sh. M. K. Gupta for the official respondents)

(By Shri Naresh Kaushik for the private respondents)

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6. Shri Ajay Singh Chand  
S/O Bag-jit Singh  
Village and Post Aurangabad  
Tehsil-Hodal,  
District-Faridabad  
Haryana
7. Shri Hare Ram Sharma  
Village and Post-Tilpat  
Faridabad(Haryana)
8. Shri Sumar Singh Sangwan  
Village-Shorakhpoor  
Post Alali  
Tehsil-Ballabgadh  
District Faridabad(Haryana)

...Respondents

(By Advocate Shri M.K.Gupta for respondents 1-5)

(By Advocate Sh.Shankar Divote, for respondents 6-8)

ORDER (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Member (J))

This case is listed at Serial No.4 of today's cause list and has been shown as an expedited case, after the request for early hearing had been allowed. In spite of that, none has appeared for the applicants, even on the second call. We note that none had appeared for the applicants even on the previous date also i.e. 7.8.98. In the circumstances, we have perused the pleadings and heard Shri M.K.Gupta, learned counsel for the official respondents 1-5, and Shri Shankar Divote, learned counsel for the private respondents 6-8.

2. The grievance of the applicants is that the respondents have illegally and arbitrarily promoted certain persons to the grade of Head Clerks in the 33 1/3% quota meant to be filled up on the basis of departmental examination without considering their cases. According to them, they are eligible to appear in the departmental examination even though the vacancies in the said quota have arisen after the applicants became eligible to appear in the departmental examination. In para 4.1 of the C. the applicants have submitted that they have been working as UDCs on regular basis in the Office of the Regional Provident Commissioner, Haryana from 16.1.90 and 4.2.92 in the case of applicant No.1, 2 and 3 respectively. We note that <sup>as</sup> the

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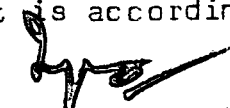
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Examination for promotion to the post of Section Supervisor/Assistant was held between 18-20 in November, 1992 for which the results have been declared by order dated 18.3.1993.

3. From the relevant Employees Provident Fund Organisation Section Supervisor(Head Clerk)(Regional Offices)Recruitment Rules, 1992, it is seen that 33 1/3% posts of Section Supervisor (Head Clerk) were to be filled by way of promotion of employees serving in the respective regional offices on the basis of a departmental examination of eligible UDCs who have rendered not less than three years service. Shri Gupta, learned counsel for the official respondents submits that the departmental examination is held annually to consider those persons who are eligible to be considered for taking <sup>the</sup> examination.

4. From the facts mentioned above, it is, therefore, seen that the applicants did not have 3 years service as UDCs on the date when the departmental examination was held on 18-20 in November, 1992. As the applicants did not possess 3 years regular service as UDCs as prescribed under the Rules<sup>e</sup> for taking the departmental examination, we do not find any merit in this application that they should be declared eligible to appear in the said examination. We have also seen the other grounds taken by the applicants and do not find any justification for interference in the matter.

5. For the reasons given above, the application fails and it is accordingly dismissed. No order as to costs.

  
(K.Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)