

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1863/95

New Delhi this the 4th day of October 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastry, Member (A)

Paramjit Kaur,
Data Entry Operator,
Grade-B, Air Headquarters (Computer Centre)
Subroto Park, Ministry of Defence,
Govt. of India, New Delhi.
R/o C-276, Albert Square, DIZ Area,
Opposite Police Station, Mandir Marg,
New Delhi.

...Applicant

(By Advocate: None)

Versus

1. Union of India through the Secretary,
Ministry of Defence, South Block,
New Delhi.
2. J.S. (Training) C.A.O.,
Ministry of Defence,
C-2, Hutments, New Delhi.
3. Shri Kanchhid Singh, D.E.O.,
Grade-D, Air Headquarters,
Subroto Park, New Delhi.
4. Shri Mohan Babu, D.E.O. Grade-D,
Air Headquarters, Subroto Park,
New Delhi.

...Respondents

(Shri Trilochan Rout, Sr. Administrative
Departmental Representative)

ORDER (Oral)

By Reddy, J.-

None appears for the applicant. Heard the
departmental representative on behalf of respondent
Nos 1 & 2. None appears for respondent No. 3&4.

2. Since the matter is of 1995, we have
decided to dispose of the OA on merits.

[Signature]

3. The applicant was working as Data Entry Operator Grade 'B' in the Armed Forces Hqrs, New Delhi. She became eligible for promotion as Grade 'D'. The grievance of the applicant is that the respondents Nos 1 & 2 ignoring her claim for promotion, have promoted ^{her} ~~her~~ juniors Respondents No. 4 & 5. It is also her case that as the promotion is on the basis of seniority-cum fitness and the applicant being at Sl.No. 3 in the seniority list and respondents 3 & 4 being at Sr. No. 14 & 18 they could not have been promoted. The departmental representative, however, submits that out of the four vacancies that arose in 1994, two vacancies were reserved for S.C. candidates and remaining two were for general category. The above two SC vacancies were carried forward from the earlier year which have ~~been~~ remained unfilled. Respondents No. 3 & 4 are SC candidates and they have been promoted in the said posts as they were found fit. In the remaining two vacancies the seniors of the applicant Smt. SK Kumra and Shri R.K. Goel who were at Sl. No. 1 & 2 were appointed. As the applicant was at Sl No. 3 she was not considered for promotion.

4. The promotion to the post of DEO Grade-D is a non-selection post i.e. the promotion was on the basis of seniority-cum-fitness. Out of four vacancies the respondents have promoted Respondents 3 and 4 in the two vacancies which have been reserved for SC candidates, though they were the juniors of the applicant. In the circumstances, the applicant cannot make any grievance for promoting Respondent 3 & 4

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though they are junior to ^{her} ~~him~~ as they have been promoted in the posts which have been reserved for SC categories.

5. In the circumstances, we do not find any merit in the OA. The OA is accordingly dismissed. No costs.

In cert J-
(Mrs. Shanta Shastry)
Member (A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.