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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2169/95

New Delhi: dated this the 11 day of July, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. S/ Shri  
T.P. Narayana Swami,  
S/o Shri T.P. V. Nair (late),  
R/o 39-M, CBI Colony,  
Vasant Vihar,  
New Delhi-57  
LDC in CBI, SAC-II,  
HO., Lok Nayak Bhawan,  
New Delhi-3.

2. Prem Prakash,  
S/o Shri Shiva Nand,  
R/o 49-H, CBI Colony,  
Vasant Vihar,  
New Delhi-57.  
LDC in CBI Coordination Division,  
Lok Nayak Bhawan,  
New Delhi-3.

3. Sanjay Kumar Kullar,  
S/o Late Sh. Jai Lal Khullar,  
R/o M-40, Double Storey Building,  
West Patel Nagar,  
New Delhi  
LDC, CBI, SIU (IX),  
CGO Complex,  
New Delhi-3.

4. Narendra Singh Negi,  
S/o Shri A. S. Negi,  
R/o 50-E, CBI Colony,  
Vasant Vihar,  
New Delhi-57.  
LDC, SCB Delhi Branch, CBI,  
CGO Complex,  
New Delhi-3.

5. V. C. Raveendran Pillai,  
S/o Shri G. C. Pillai,  
Vasant Vihar,  
New Delhi  
LDC in  
CBI, SIU (IX),  
CGO Complex,  
New Delhi-3

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6. Vinod Bisht,  
 S/o Shri S.S.Bisht,  
 R/o M-287, Sarojini Nagar,  
 New Delhi  
 LOC in CBI, SIU(VIII),  
 CGO Complex,  
 New Delhi-3.

7. Shri Ishwar Narayan Upadhyay,  
 S/o B.N.Upadhyay,  
 R/o U-149-B, Pitampura,  
 Delhi-34  
 LOC in CBI, SIU(VIII),  
 CGO Complex,  
 New Delhi-3

....Applicants

(By Advocate: Shri Gyan Prakash)

Versus

1. Union of India  
 through Secretary,  
 Ministry of Personnel & Training,  
 Deptt. of Personnel & Training (DP & T),  
 North Block,  
 New Delhi.

2. Director, Central Bureau of Investigation (CBI),  
 CGO Complex, Lodhi Road,  
 New Delhi-3.

3. Dy. Director (Admn),  
 CBI,  
 CGO Complex, Block No.3,  
 New Delhi-3

....Respondents

(By Advocate: Shri N.S.Mehta)

ORDERSRI Adige, VC(A):

Applicants impugn respondents' letter dated 31.10.95 (Annexure A-1) rejecting their request for promotion under LDCE as UDCs. They seek notification of the number of vacancies available under 25% LDCE quota for the years 1990, 1991, 1992 and 1993, and to announce the final results of the 1993 LDCE, and thereafter offer appointments to applicants with consequential benefits.

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2. Applicants were appointed as LDCs. The next level is to that of UDC, for which, as per RRs (Annexure-A-2) 75% vacancies are filled by promotion on the basis of seniority cum fitness, failing which by deputation or transfer, and 25% of vacancies are filled by promotion through LDCE.

3. Between August, 1972 and January, 1993, respondents held 7 LDCEs, the 7th LDCE being held on 9/10/93, in which applicants appeared. It is not denied that based upon the results of the aforesaid 7th LDCE, 13 LDCs were promoted as UDCs, by orders issued on 10.6.93, 24.11.93 and 13.4.94 respectively (para 4.8 of OA).

4. Applicants contend in para 4.9 of the OA that before the 7th LDCE (1993), respondents had held the 6th LDCE in June, 1989 and promoted/appointed all the 24 qualified candidates (LDCs) as UDCs under 25% LDCE Quota in 1989-90. The last appointment order was issued on 16.4.90 (Annexure A-23). After 16.4.90, it is contended that 117 LDCs were promoted as UDCs under 75% seniority cum fitness quota between 30.5.91 and 10.5.95, although applicants admit that complete figures/ records regarding promotions made under 75% seniority cum fitness quota are not available with them. It is thus argued that as 117 persons were promoted against 75% seniority cum fitness quota while only 13 persons were promoted against 25% LDCE quota, vacancies in LDCE quota were still available against which applicants should have been promoted.

5. Respondents in their reply challenge these assertions of applicants. They assert that the promotion of 117 LDCs to the rank of UDCs referred to by applicants and discussed in the previous paragraph has no relevance with the grievance of applicants.

6. Applicants have filed rejoinder in which they deny respondents' assertion and broadly reiterate their own.

7. We have heard both parties.

8. Applicants base their case on 117 LDCs who were promoted as UDCs under 75% promotion quota between 1991 and 1995 as against only 13 LDCs promoted as UDCs under 25% LDCE quota as a result of the 7th LDCE (1993) and on that basis, it is asserted that if the 75% quota had 117 vacancies, the 25% quota would have had more than 13 vacancies. For this applicants have to establish that all the 117 LDCs promoted as UDCS between 1991 and 1995 are relatable to the 13 LDCs promoted as UDCs as a result of 7th LDCE (1993). Applicants have not succeeded in doing so, and indeed applicants themselves admit in para 4.9 of the OA that they do not have complete record of promotees of LDCs as UDCS under 75% seniority cum fitness quota.

9. In this connection the Admin. Officer, CBI, HQ, New Delhi has filed a statement dated 6.12.2000 showing the <sup>break</sup> back up of vacancies of UDCs which had occurred and were filled during the period 1990-93 for 75% seniority quota and 25% LDCE quota, which prima facie, <sup>we</sup> have reason to disbelieve.

10. Further more, even if some addl. vacancies were available under 25% LDCE quota as a result of 7th LDCE (1993) applicants have not succeeded in establishing that it is they, and not some others, who would have had a claim to be promoted as UDCs against those vacancies.

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11. In the result the OA warrants no interference.  
It is dismissed. No costs.

A. Vedavalli  
(DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
(S. R. ADIGE )  
VICE CHAIRMAN (A).

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