

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.1501 of 1996

Dated this 31st day of January, 2000

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

(b)

Sukh Chain Prasad Srivas
S/o Khusiali Lal
Upper Division Clerk
National Museum of Natural History
FICCI Sangrahalaya Building
Barakhamba Road
New Delhi-110001.

...Applicant

(By Advocate: Shri Shiv Sagar Tiwari)

versus

1. Union of India, through
The Secretary
Ministry of Environment and Forest
Deptt. of Environment, Forest &
Wild Life, Paryavaran Bhawan
C.G.O. Complex, Phase-II
Lodhi Road
New Delhi-110003.

2. Director
National Museum of Natural History
FICCI Sangrahalaya Building
Barakhamba Road
New Delhi.

... Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R (Oral)

Hon'ble Mr Justice Ashok Agarwal

Applicant who has been promoted from the post of LDC to the post of UDC on 12.3.1996, by filing the present OA on 5.7.1996, has prayed for a direction that his promotion be given effect from 20.12.1992.


2. Applicant was engaged as a LDC with 2nd respondent - National Museum of Natural History (NMNH) as LDC from 21.12.1987. According to the

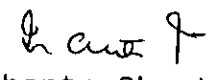
applicant he became eligible for being considered for promotion to the post of UDC on 20.12.1992 when he completed 5 years tenure as LDC. The post of UDC had fallen vacant at the Regional Museum of Natural History, (RMNH) Mysore in the year 1992. Applicant was however not considered suitable for promotion to the said post in Mysore as applicant was visually handicapped and the post involved multifarious official works including typing, maintenance of files, records etc. Moreover the said post had not been identified for jobs to be handled by visually handicapped persons. ^A ~~The~~ post of UDC fell vacant at the NMNH, New Delhi on 9.8.1995. A duly constituted DPC considered the claim of the applicant for promotion to the post of UDC at the National Museum and in terms of the recommendations of the DPC the applicant was promoted as UDC in the National Museum on 12.3.1996.

3. In our view, nobody can have a ^{right} ~~judgement~~ to claim promotion. All that he can claim is a right to be considered for promotion. As far as the applicant is concerned, he was considered for promotion to the post of UDC at the RMNH, Mysore. Being visually handicapped he was not considered fit for promotion ^{as the} ~~the~~ post involved multifarious official works including typing, maintenance of files, records etc. Hence no legitimate grievance

can be raised for not promoting the applicant to the said post. It is ^{significant} ~~to be noted~~ that when a UDC post became vacant at the National Museum, New Delhi, applicant was considered fit for promotion to the said post as his posting was found to be of purposeful utilisation in the special educational programmes of the museum created for the handicapped persons. The Annual Confidential Reports of the applicant shows that he is suited for performing duties for handicapped programmes and not for duties of UDC. Moreover, applicant has been promoted in preference to Shri Joseph who had earlier been recommended for promotion, but who still continues to function as LDC. In the circumstances, we held that the applicant is not entitled to claim promotion from the earlier date i.e., 20.12.1992 as claimed. (8)

4. Present OA, in the circumstances, is dismissed. No order as to costs.


(Ashok Agarwal)
Chairman


(Mrs. Shanta Shastri)
Member(A)