

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 445/96

New Delhi this the 6th day of December 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri V.B. Gupta  
S/o Shri K.L. Gupta  
R/o D-112, Lajpat Nagar I  
New Delhi-110 024.

(By Advocate: None)

...Applicant

Versus

Union of India, through

1. Director General of Health Services  
Ministry of Health & Family Welfare  
Nirman Bhavan  
New Delhi.
2. Director  
Central Govt. Health Scheme  
Nirman Bhavan  
New Delhi.

(By Advocate: Shri M.K. Gupta)

...Respondents

ORDER (Oral)

By Mr. R.K. Ahooja, Member (A)

The applicant had joined as a Pharmacist in CGHS w.e.f. 10.3.70. In 1975 he was empanelled for promotion to the post of Assistant Stores Superintendent. As no posts were available in Delhi unit he was adjusted against a deputation post outside Delhi. On completion of deputation he was again reverted as a Pharmacist whereupon he filed OA No-1479/89 which was disposed of by an order dated 11.1.90. In that order a direction was given that the case of the applicant for appointment on regular basis in the post of Assistant Stores Superintendent should be considered in accordance with his position in the panel and he should be considered for appointment to one of the posts existing at any of the offices of the CGHS

from the date the post was created. Initially, the applicant was in terms of this order appointed as regular Assistant Stores Superintendent w.e.f. 22.6.90. However, later on by another order he was treated as regular Assistant Stores Superintendent w.e.f. 16.11.76. The applicant submits that the next higher post is from the post of Assistant Stores Superintendent to the grade of Assistant Depot Manager. One vacancy of Assistant Depot Manager became available in March 1991. His grievance is that in terms of his service as Assistant Stores Officer he was due for consideration for empanellment for that post but the respondents did not empanel his name for consideration in the DPCs held in March 1991 and November 1991.

2. The respondents in the reply have stated that no DPC were held during 1990 and 1991 as alleged by the applicant. The applicant was considered in the DPC held on 4.2.94 and his promotion was effected by order dated 18.2.94 and he was posted as Assistant Depot Manager at Bombay.

3. Today when the matter come up, none appeared on behalf of the applicant. Since this is a 1996 case we consider it appropriate to dispose it off in terms of Rule- 15 of CAT Procedure Rules 1987. We have also heard Shri M.K. Gupta learned counsel for the respondents and have gone through the record.

*Per*

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4. The respondents' case is that the post of Assistant Depot Manager should be filled up on unit basis. Respondents had also proposed amendment of the Recruitment rules to that effect. Consequently, the DPC could only be held in 1994 and according to the respondents there were three vacancies. One vacancy at Bombay became available in March 1991, one at Hyderabad w.e.f. 11.11.91 and one in Delhi w.e.f. 14.12.93. After the DPC was held, the applicant who was placed at Sr. No. 3 was adjusted against the last vacancy though his actual place of posting was at Bombay.

5. We find that though the post is a selection post, the applicant who was duly considered in 1994 was not placed at Sr. No. 1 which would have entitled him to claim the first vacancy which become available in March 1991. The persons who have been adjusted against the earlier vacancies are viz; Shri Dharamvir Lochab & S.N. Sharma who are admittedly senior to him and were also found suitable. Therefore, on merit also the applicant could not claim that he was entitled for promotion in preference to his two seniors. For this reason, the applicant's claim for antedating his promotion w.e.f. March 1991 is without any basis.

6. In the light of the above discussion, we do not find any merit in the OA. The OA is, therefore, dismissed with no order as to costs.

*R.K. Ahooja*  
(R.K. Ahooja)  
Member (A)

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