

Central Administrative Tribunal
Principal Bench

.....
O.A. No. 1067/96

New Delhi, this the 22nd day of May, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member (A)

Narender Kumar,
Lab. Technician,
Dr. Ram Manohar Lohia Hospital,
New Delhi-110 001.
(By Shri R.L.Sethi, Advocate)

...Applicant

Versus

Union of India through

1. The Secretary,
Health & Family Planning,
Ministry of Health and Family Planning,
Nirman Bhawan,
New Delhi.
2. The Medical Superintendent,
Dr Ram Manohar Lohia Hospital,
New Delhi.

....Respondents

(By None)

O R D E R (Oral)

By Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The applicant has filed this application for the following
reliefs:-

- (a) respondents be directed to convene the departmental promotion committee for recommending eligible suitable employees for the post of Senior Laboratory Technician.
- (b) which post being 100% promotional post applicant who satisfies all the essential as well as desirable criteria prescribed in the recruitment rules be considered and if found suitable.
- (c) appointed against in existing vacancy.
- (d) keeping in view 40% point communal roster.
- (e) from the date applicant became eligible on 31.7.1991 with full back wages."

The claim of the applicant is that he is a SC candidate and
his application for promotion has been turned down on the plea that

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he did not fulfil the requisite experience. It is not the case of the applicant that any person junior to him has been considered for promotion. An employee has no right to be promoted but has only a right to be considered for promotion at the time when the vacancies are to be filled up. Secondly the applicant's grievance is that he has been asked by letter dated 27.2.1996 to produce his S.C. certificate in support of his claim for the benefit of reservation. The applicant's counsel states that the applicant has already produced the S.C. certificate and, therefore, he is not under any obligation to file the same again. It was open for the applicant to inform the authority concerned that he had already produced the certificate and if, for any reason, such certificate is not there on record, he should have produced the another one instead of approaching the Tribunal.

In view of the facts and circumstances of the case, we find that thus application is without any legitimate cause of action and is pre-mature in nature. Hence, this application is rejected Under Section 19(3) of the Administrative Tribunal Act, 1985.

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

A.V. Haridasan
(A.V. Haridasan)
Vice-Chairman (J)