

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1842/97

New Delhi, this the 4th day of September, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Jagdish s/o Sh. Baldev,
R/o H.No.1029, Bawana,
Delhi-39. Applicant
(By Advocate: Sh. Yogesh Sharma)

VS.

1. Union of India through
The Secretary,
Ministry of Agriculture,
Deptt. of Dairy,
Govt. of India,
Krishi Bhawan, New Delhi.
2. The General Manager,
Delhi Milk Scheme, Govt. of India,
West Patel Nagar,
New Delhi-8.
3. Sh. Devinder Singh,
working as Fitter (Ref)
Delhi Milk Scheme, Govt. of India,
West Patel Nagar,
New Delhi. Respondents
(None).

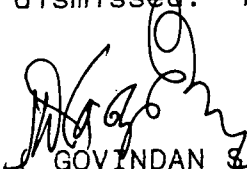
ORDER (ORAL)

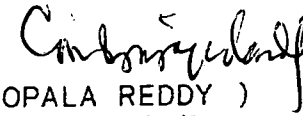
By Mr. Justice V. Rajagopala Reddy,

Heard the counsel for the applicant. None for the
respondents.

2. The applicant working as semi-skilled fitter is
aggrieved by his non-promotion as Fitter (Ref). Hence, he
filed OA No.48/96 and on the statement made by the respondents
that his case for promotion was under active consideration, he
withdrawal the OA. He filed again the present OA questioning
the promotion of Resp. 3 in 1995 as Fitter (Ref). From the
seniority list it appears that the applicant is senior to
Resp. 3 in the post of semi-skilled fitter. The promotion to

the post of Fitter (Ref) is by seniority-cum-fitness. The grievance of the applicant is that as Resp. 3 being junior should not have been promoted in 1995 in preference to the applicant. In our view, the promotion of Resp.3 cannot be challenged at this stage. The applicant had withdrawn the OA on the statement made by the respondents that his case for promotion was under active consideration. No assurance was given his seniority over Resp.3 would be restored and that he would be promoted retrospectively. No such meaning could be given to the order of the Tribunal. He was satisfied that his case for promotion was under active consideration. Accordingly, the applicant has been promoted in 1997 as Fitter (Ref). We do not find any merit in the OA. The OA is dismissed. No costs.


(GOVINDAN S. TAMPI)
Member (A)


(V. RAJAGOPALA REDDY)
Vice Chairman (J)

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