

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.2308 of 1994

New Delhi, this 13th day of January, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)  
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

J.B. Singh  
Youth Officer  
S/o Shri (Late) B. Tamta  
NSS Programme Adviser's Cell  
Gallery No.12/11, Room Nos.152-154  
Jamnagar House  
New Delhi-110011.  
... Applicant

(By Advocate: None present)

Versus

1. Union of India, through  
through the Secretary  
Department of Youth Affairs & Sports  
Ministry of Human Resource Development  
Shastri Bhawan  
New Delhi-110001.
  2. Shri S.S. Kain  
Youth Officer  
Department of Youth Affairs and Sports  
Govt. of India  
NSS Regional Centre, Gallery No.15/11  
Room Nos.181-182, Jamnagar House  
New Delhi-110011.
  3. Shri Yeshvir Singh  
Youth Officer  
Department of Youth Affairs and Sports  
NSS Regional Centre  
C-357, Indira Nagar  
Lucknow-226016 (U.P.).
  4. Shri T.K. Bhowmick  
Youth Officer  
Department of Youth Affairs and Sports  
Government of India  
NSS Regional Centre  
25-B, Park Street  
Calcutta-700016 (WB).
  5. Shri Ram Soren  
Youth Officer  
Department of Youth Affairs and Sports  
Government of India  
NSS Regional Centre  
East Lohanipur  
Patna-3.(Bihar).
- .... Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan,M(J)

The applicant has filed this application on 8.11.1994. Thereafter he has filed an amended application on 17.2.1995 in which he has prayed that the entire record may be called and examined and he may be promoted as Youth Officer (for short, YO) with effect from 10.9.1984 fixing his seniority at serial no.1 in place Shri S.S. Kain with all consequential benefits. He has also prayed for quashing the seniority list circulated by letter dated 23.5.1991 and 26.5.1994 with a direction to the respondents to prepare a fresh seniority list placing him senior to Shri S.S.Kain and others as Youth Officer.

2. None has appeared for the applicant even on the second call. This case is listed at serial no.6 in regular matters. We have heard Shri S.M. Arif, learned counsel for the respondents and carefully perused the record.

3. The brief facts of the case are that the applicant was initially appointed as Youth Assistant (for short, YA) Grade-I with effect from 10.9.1979. The minimum educational qualification for this post was Matriculation, though the applicant was Intermediate. The applicant belongs to reserved category (SC) and was appointed against the reserved post of SC. According to the respondents, the applicant's

seniority in YA Grade-I 1983 was at serial no.8 whereas his date of appointment in the grade is shown as 10.9.1979. The next higher post of promotion was that of YO in the pay scale of Rs.2000-3500 which is a Group "B" gazetted. In the Recruitment Rules for the post of YO, the prescribed eligibility conditions are: (a) YA grade I who have completed 5 years regular service in that grade and (b) education qualification - Graduate. The applicant has claimed that as he had completed 5 years in the grade of YA Grade-I, he should have been promoted as YO with effect from 1984.

4. The respondents in their reply have submitted that the DPC to promote YA Grade-I officers to the post of YO was held in 1986 and 6 YAs Grade-I had been considered, including the applicant. According to them neither the applicant nor one other person, Shri Ram Soren, could be promoted as they did not fulfil the educational qualifications (Graduate) as they were only Intermediates. The department obtained relaxation in educational qualification for these two persons in early 1987. Thereafter the DPC met on 10.3.1987 to consider promotion of YA Grade-I to the post of YO in which Shri Ram Soren(ST) and the applicant (SC) were considered after relaxing the educational qualification. The DPC recommended them for promotion and they both were promoted to the post of YO on 10.3.1987.

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5. Therefore, it is seen from the above that the contention of the applicant that as he had completed the qualifying service i.e. 5 years as regular YA Grade-I on 10.9.1984, he is entitled for promotion to the post of YO with effect from 10.9.1984 is untenable as he did not fulfil the eligibility conditions laid down in the Recruitment Rules. It was only after obtaining the relaxation for this condition from the competent authority that the subsequent DPC had found him fit and given him promotion with effect from 10.3.1987. In the circumstances, the claim of the applicant that he should be promoted with retrospective effect from 10.9.1984 cannot be accepted as it is not in accordance with the rules. This claim is therefore rejected.

6. As regards the claim of the applicant to quash the proposed seniority list dated 23.5.1991, the respondents have taken a plea of limitation as this OA has been filed only in November 1994. In view of what has been stated above, we find no merit in the claim of the applicant that he should have been placed senior to Shri S.S.Kain (respondent no.2) as YO, as he has been regularly appointed to this grade only in March 1987 whereas Shri Kain has been appointed with effect from 3.9.1986. Therefore, the claim to quash the seniority list is also without any basis and this is accordingly rejected.

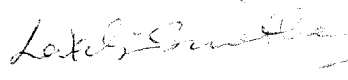
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7. It is noted that in the impugned seniority list dated 26.5.1994 the respondents have relied on the same dates as mentioned above, with regard to the appointment of the applicant as YO as well as that of Shri S.S.Kain against whom the applicant claims seniority. In the rejoinder, the applicant has submitted, inter alia, that when the DPC met in 1984 he should have been promoted in that year itself. He has also submitted that before the amendment of the rules in 1987, YA Grade-I who were Matriculates were also recruited before 1980 were also eligible for promotion. However, we find that the DPC which was held in 1983 had considered six persons, including Shri S.S.Kain (SC) who was a Graduate as well as the applicant. Since the DPC had considered the applicant along with other eligible candidates his claim for promotion with effect from 1984 is again not tenable. We have also considered the other claims raised by the applicant but in the facts and circumstances mentioned above, we find no merit.

8. In the result, for the reasons given above as we find no merit in the OA, the same is dismissed. No order as to costs.



(Mrs Shanta Shastri)  
Member(A)



(Mrs Lakshmi Swaminathan)  
Member(J)

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