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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1500/1994

New Delhi, This the 10th Day of August 1994

Hon'ble Shri J P Sharma, Member(J)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. Shri Baljit Singh Dangl
S/o Shri Jage Ram,
202, B-5, Sector-8
Rohini Delhi
2. Shri Syed Minhaj Rashid
M-117 Laxmi Nagar
Delhi-92
3. Shri Shri Pal Sharma
s/o Shri Mam Chand Sharma
Flat No.51, Type III
Income-tax Colony
Pitam Pura
Delhi.

..Applicants

By Shri D K Mahajan, Advocate

Versus

1. Union of India, through its Secretary
Ministry of Urban Development, Nirman Bhawan
New Delhi.
2. Union Public Service Commission
through its Secretary
Shahjahan Road, New Delhi.

...Respondents

O R D E R (oral)

Hon'ble Shri J P Sharma, Member(J)

1. A limited department competitive examination was held by UPSC in December 1992 and it is stated that 366 candidates in that examination qualified in the written test and out of these 149 candidates actually have been promoted in September 1993. It is further stated that on the date of the advertisement according to the applicants there were about 227 posts of AE(Civil) which have now gone up by about 266 because of certain casualties in the meantime and due to promotions or

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deputations. The grievance of the applicants that they should be considered for appointment from this select list. The relief prayed by the applicants are:-

- (i) Make appointments from among the 366 JE(C) successful candidates to all the AE(C) vacancies which exist as of to-day.
- (ii) Inform the successful JEs of the number of AE(C) vacancies which exists as of today and also notify the same to the UPSC.
- (iii) Pass such other order/s as the Hon'ble Tribunal in the circumstances may deem fit and proper in the interest of justice.

2. We heard the learned counsel for the applicant Shri D K Mahajan for the last two occasions and he wanted to supplement the pleadings and a supplementary pleading was filed making averments in para 3 of the supplementary pleadings that the persons who qualified in the written test and notified have no knowledge of the persons who have been appointed on promotion from this list of qualified written examination candidates. It is further stated in para 4 that the vacancies have not been calculated and notified on the basis of the circular of OM No.23/1167 -Estt(B) dated 14-7-1967 and in para 6 it is ~~stated~~^{are} that the applicant ~~is~~^{are} not claiming any vested right of promotion but do claim the protection of Article 14 of the Constitution.

3. We have given careful thought to the various contention placed by the learned counsel before us. It is expected of the respondents that they should follow their own instructions in letter and spirit. However due to certain administrative inefficiency and inadvertance the spirit of the circular is not followed as in the present case the number of vacancies which were available

to be filled up by the promotee quota of 50 per cent for Ltd Departmental Competitive Examination held in 1993 for the vacancies in the particular period have not been notified to the UPSC. However, we do find that after this list of candidates who were qualified in the written examination was drawn the promotion is only based on the performance of the service career as brought out in the ACRs of each of aforesaid qualified candidates. It is thereafter the panel is drawn or that the person deemed fit is promoted.

4. It is not the case of the applicants that a person who is down below them in the list of qualified candidates has since been promoted ignoring them.

5. The application is therefore disposed of with the observation that the respondents are expected to publish the list of qualified candidates who have also made their claim after the perusal of the ACRs and that the number of vacancies be also be notified that with ^{reference to} the particular Ltd Departmental Competitive examination and the same be conveyed to the applicants preferably with a period of three months from the receipt of this order. The application is therefore disposed of accordingly.

No costs.

P. J. Thiruvengadam
(P.T. THIRUVENGADAM)
Member (A)

LCP

J. P. Sharma
(J P SHARMA)
Member (J)