

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1313/2000

New Delhi this the 27th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Dr. Raghuraj Singh Chauhan
Assistant Director (Exhibition)
National Museum
Janpath, New Delhi-110011.

... Applicant

(By Shri Naresh Kaushik, Advocate)

-versus-

1. Union of India through its
Secretary,
Department of Culture,
Shastri Bhawan,
New Delhi-110001.
2. The Director General
National Museum
Janpath, New Delhi-110011.
3. The Union Public Service Commission,
through its Secretary,
Shahjahan Road,
New Delhi-11.
4. Shri U. Das,
Keepeer (Public Relations)
National Museum,
Janpath,
New Delhi-110011.

... Respondents

(Shri Rajiv Chowdhary, proxy for
Shri Rajinder Nischal, Advocate
for Respondent No.1)

O R D E R (ORAL)

Shri S.A.T.Rizvi, Member(A):-

Aggrieved by the recommendations made by the
Departmental Promotion Committee, the meeting of which
was held on 13.12.1999 for making selections for the
post of Assistant Director (Administration) in the
National Museum, the applicant has filed the present
OA praying that the selection of Shri U. Das,

2/

respondent No.4 herein made by the said Committee be quashed.

9

2. The learned counsel appearing for the applicant has raised several issues in support of his contention that while the applicant deserved to be selected by the Departmental Promotion Committee aforesaid, respondent No.4 has wrongly been selected by the committee. We will deal with these issues in detail one after the other.

3. The first contention raised by the learned counsel is that the applicant was selected as Assistant Director (Exhibition) in 1998 but the aforesaid private respondent No.4 could not be selected for the said post and, in this way, the applicant can be said to be better placed than the respondent No.4. Accordingly when it came to selecting Assistant Director (Administration) in the following year, it is he who should have been selected by the Departmental Promotion Committee and not the private respondent No.4. We do not agree with this contention. The two posts aforesaid are distinct posts with different rules for promotion etc. The D.P.Cs for the two posts are held separately and, therefore, it cannot be argued that if one is selected for the post of Assistant Director (Exhibition), he should necessarily be selected for the post of Assistant Director (Administration) as well. The aforesaid plea advanced by the learned counsel is, therefore, rejected.

2

4. The learned counsel has next proceeded to question the selection of private respondent No.4 on the ground that he had not completed 5 years of regular service and was, therefore, not eligible to be considered for the post of Assistant Director (Administration). We have glanced through the relevant recruitment rules and we find that in cases of promotion, the rules prescribe 5 years' experience in the grade of Keepers & Chemists. The rules do not provide for regular service of 5 years. It is not disputed that the respondent No.4 possessed 5 years' experience at the time the D.P.C. was held. Viewed thus, we do not find any fault with the selection of private respondent No.4. The corresponding plea raised by the applicant is also rejected.


5. The learned counsel has next proceeded to argue on the basis of adverse remarks given to the applicant for the year 1995-96. According to him, though the said adverse remarks had been expunged, the same were placed before the D.P.C. and in this way, according to him, the committee is likely to have been influenced by the aforesaid adverse remarks. The learned counsel agrees that the fact that the aforesaid adverse remarks had been expunged had been brought to the notice of the D.P.C. In view of this, we are not convinced that the D.P.C. could allow itself to be influenced by the adverse remarks already expunged before the D.P.C. was held. According to us, the proceedings of the D.P.C. cannot be questioned on this basis either.

2/

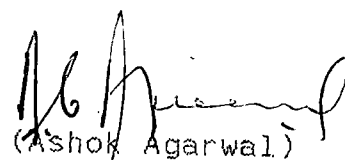
10

6. The learned counsel for the applicant has lastly made a reference to the qualifications which the private respondent No.4 had placed before the aforesaid D.P.C. He has, in particular, drawn our attention to a certain article on Anthropology published in the "Masterpiece from National Museum Collections" edited by S.P. Gupta and published in 1985. We have perused the same and we find that the article on Anthropology was written by Dr.A.K.Das and not by the private respondent No.4 (U.Das). A careful perusal of the Annexure-III to the reply filed by the private respondent No.4 reveals that ² while ² ~~it~~ he has sought to take credit in respect of the publications contained in the aforesaid collection, ² he has nowhere stated that he happens to be the author of the article on anthropology. We are, therefore, not prepared to agree with the contention raised by the learned counsel in this regard. Moreover, this aspect of the qualifications would be material in a case of direct recruitment and not in the present case which deals with promotion. For this reason also, we do not attach any importance to the aforesaid plea raised by the learned counsel.

7. For all the reasons stated in preceding paragraphs, the OA fails and is dismissed. No costs.


(S.A.T. Rizvi)
Member (A)

/sns/


(Ashok Agarwal)
Chairman