

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1153/1989
T.A. No.

199

DATE OF DECISION 19.04.1991.

<u>Shri M.M.S. Bist</u>	Petitioner
<u>Shri Gyan Prakash</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Others</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? */no*
4. Whether it needs to be circulated to other Benches of the Tribunal ? */no*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty,
Administrative Member)

The applicant, who is working as Training Officer in the Central Training Bureau, Department of Official Languages, Ministry of Home Affairs, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to consider his claim for appointment as Assistant Director on ad hoc basis in Central Translation Bureau from 9.5.1989, i.e., when respondent No.3 (Smt. Kiran Saxena) was appointed as Assistant Director on ad hoc basis.

2. The applicant retired on attaining the age of superannuation on 30.9.1990. He joined Government service as Translation Officer in 1974. The next promotion post is Assistant Director. On 9.5.1989, the respondents appointed Smt. Kiran Saxena (respondent No.3) as Assistant Director on ad hoc basis. According to him, she was junior to him.

3. The respondents have stated in their counter-affidavit that respondent No.3 was appointed after due and legal selection. The post is a selection post and that mere seniority does not entitle a person for promotion.

4. We have carefully gone through the records of the case and have heard the learned counsel of both parties. During the hearing of the case, the learned counsel of the respondents produced before us the relevant records relating to the proceedings of the DPC. Three regular posts were available and UPSC selected three officers for appointment as Assistant Directors. The case of the applicant was also considered by the DPC. Two persons were recommended for two vacancies in 1987 and respondent No.3 was recommended for the vacancy in 1988. The selection was on the basis of the service records of all the candidates in the zone of consideration including the applicant.

5. Respondent No.3, though recommended by the DPC for regular appointment had to be appointed on ad hoc basis because of the stay given by this Tribunal in another case. The applicant has contended that in the circumstances, the third vacancy ought not to have been filled up. We are not impressed by this contention. The fact that respondent No.3 was recommended by the DPC for promotion to the post of Assistant Director is borne out from the proceedings of the DPC.

6. In the light of the above, we see no merit in the present application and the same is dismissed. The parties will bear their own costs.


(D.K. CHAKRAVORTY)
MEMBER (A) 19/4/1991


15/4/91
(P.K. KARTHA)
VICE CHAIRMAN (J)