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Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2011/89

New Delhi this the 29th Day of April, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)
Hon'ble Ms. Lakshmi Swaminathan, Member(J)

Sh. P.R. Jadhav,
S/o Sh. Ramachandra Jadhav,
Chief Draftsman,
ORM Office, Western Railway,
Bombay Central,
Bombay-400 008.

Applicant

(By advocate Sh. B.S. Mainee)

versus

1. Union of India,
through its Secretary,
Railway Board,
Rail Bhawan,
Rafi Marg,
New Delhi.

2. The General Manager,
Western Railways,
Church Gate,
Bombay.

Respondents

ORDER(ORAL)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The applicant Sh. P.R. Jadhav, who is working as Chief Draftsman in the D.R.M's Office, Northern Railway, is aggrieved by the impugned order dated 20.2.1989 which contains the panel of promotion to Class-II (Group-B) post of Assistant Engineer.

The admitted facts of the case are that the applicant was appointed on 14.8.1972 as Assistant Draftsman and was promoted as Chief Draftsman with effect from 1.2.1984. Selection process for promotion to Class-II (Group-B) post of Assistant Engineer was initiated vide letter dated 22.2.1988 and ~~the~~^{by} 143

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vacancies were notified out of which 22 were reserved for SC and 11 for ST candidates. The applicant qualified in the written examination that was held during July/August, 1988. He was called for viva-voce test also. But his name did not appear in the panel contained in the impugned order dated 20.2.1989.

The contention of the applicant that he had fared very well in the viva-voce and nothing is against him except one adverse entry which was communicated to him on 26.7.1988. He is also aggrieved that this vacancy was not given to him even though it was ear-marked for SC/ST candidates who were not available in required numbers.

In the counter filed by the respondents, the main averments are these. To secure a place on the panel, the candidates have to qualify both in written and viva-voce tests. The contention of the applicant that since he had qualified in the written examination, he should have been included in the panel is not tenable as he had failed in the viva-voce. It is also clarified that there is no proposal for de-reservation of vacancies reserved for SC/ST. It is wrong to say that the D.P.C. took only the adverse C.Rs. in consideration while disqualifying him as they considered the suitability of the candidates, keeping all the facts into account.

This case has been appearing the cause list from 26.4.94 onwards and was posted pre-emptorily for final hearing today. It has been called in the revised list. None is present on behalf of the respondents. We, therefore, proceed to decide this case on the basis of the pleadings on record and the submissions made by the learned counsel for the applicant.

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Where selection is involved, no employee can claim promotion as a matter of right. The duly constituted D.P.C. did not find him qualified. It has also been stated by the respondents that there is no intension to de-reserve the post. In view of this, this application fails and is hereby dismissed.

The interim order passed on 28.11.1989 is vacated.

There will be no order as to costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)

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