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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 959/89

New Delhi this 8th Day of March 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri Bhanu Pratap,  
S/o Shri Anant Prasad,  
Senior Technical Assistant (Poultry),  
Ministry of Agriculture,  
Dept. of Agriculture and Coop.  
New Delhi and R/o Baba Kharag Singh Marg,  
New Delhi. ... Applicant

(By Advocate : None)

Versus

Secretary,  
Ministry of Agriculture,  
Dept. of Agriculture and Cooperation,  
Krishi Bhawan,  
New Delhi. ... Respondents

(By Advocate : None)

O R D E R (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant at the relevant time was Senior Technical Assistant (Poultry), Ministry of Agriculture and was recruited through Union Public Service Commission with effect from 8.1.1987. The next promotional post is of Assistant Poultry Development Officer and the method of recruitment is by promotion failing which by transfer on deputation. A vacancy has occurred in the promotional post on 26.9.1988. For promotion Sr. Technical Assistant (Poultry) with 3 years service in the grade on regular basis are eligible. The respondents circulated the post for filling up by transfer on deputation on 14.12.1988. The applicant was not eligible so he made a representation as he has put in only two years 4 months regular service

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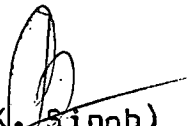
in the grade, that the post be unfilled or if it is filled on deputation for a short term not exceeding one year. The case of the applicant was also recommended but the Government of India did not consider the representation and rejected the same by the impugned order dated 6.4.1989. The matter for grant of interim relief was considered by the Bench on 1.2.1990. By that order the respondents were directed that an interim measure since the applicant has become eligible under the recruitment rules the respondents shall consider suitability for consideration for promotion to the promotional post of Assistant Poultry Development Officer in accordance with the recruitment rules.

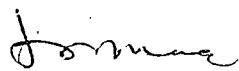
2. The respondents contested the application and in the reply stated that the applicant was not eligible when the post was circulated in December, 1988 to be filled up on the basis of transfer on deputation. The applicant cannot claim as a matter of right that post to be filled or the recruitment rules be relaxed making the applicant eligible by shortening the period of regular service in the grade of Sr. <sup>Technical</sup> Assistant (Poultry). The applicant according to the respondent had no case.

3. None is present on behalf of the applicant nor the respondents are represented by any counsel, or the departmental representative. In fact the application does not survive at all. The relief claimed by the applicant was regarding the circular of 14.12.1988 praying that the same be cancelled and in the alternative the post be filled up on deputation basis. The relief claimed by the applicant does not survive any more. Even then we have considered the case of the applicant on merit

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and the applicant was not liable on the date when the post was notified in December, 1988 or filling up the vacancy of the Assistant Poultry Development Officer, The application is totally misconceived. However, if the applicant has been considered in view of the interim direction issued on 1.2.1990 and the applicant had been found fit then this order will not be a hurdle in continuing in this post. Application is dismissed. Costs on parties.

  
(B.K. Singh)  
Member (A)

  
(J.P. Singh)  
Member (J)

\*Mittal\*