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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI.

O.A 307/88

Date of decision: 03.06.93

U.C. Caloriya.

.. Petitioner.

Versus

Union of India & Ors.

.. Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.  
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the petitioner.

None.

For the Respondents.

Shri M.L. Verma,  
Counsel.

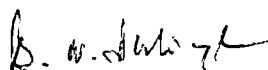
JUDGEMENT (ORAL)

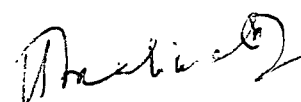
(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appears for the petitioner. Shri M.L. Verma, Counsel, is present for the respondents. As this is a very old matter, we thought it proper to peruse the records, hear the learned counsel for the respondents and dispose of the case on merits.

2. The grievance of the petitioner is that though his name was included in the eligibility list for promotion to the post of Store Keeper Grade-III, in the panel prepared for promotion, his name is not included whereas the names of several other juniors have been included. His further case is that he being a member of the Scheduled Caste, he is entitled to get promotion in accordance with the roster of reservation for the members of the Scheduled Caste and that he is also entitled to be considered for promotion applying the principle of seniority-cum-fitness.

3. In the reply filed by the respondents, they have stated that the case of the petitioner was considered by the Departmental Promotion Committee. The Departmental Promotion Committee did not find the petitioner fit and suitable for promotion to the post of Store Keeper Grade-III. The reply also indicates that the principle of seniority-cum-merit was adopted for promotion and not selection. Suitability is an essential requirement for promotion even on the principle of seniority-cum-fitness. If the DPC considered his case and it did not find him suitable the petitioner cannot complain of infraction of his right under Articles 14 and 16 of the Constitution or that he has been denied the special privilege as a member of the scheduled caste. The petition fails and is, therefore, dismissed. No costs.

  
(B.N. Dhoundiyal)  
Member(A)

  
(V.S. Malimath)  
Chairman

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