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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.496/1988.

Date of decision 3.8.93

Sh.Om Prakash ... Petitioner

V/s

U.O.I. & Ors. ... Respondents

FOR THE APPLICANT ... Sh.A.Kalia, counsel

FOR THE RESPONDENTS ... None

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Hon'ble Sh.I.K.Rasgotra, Member(A)
Hon'ble Sh.B.S. Hegde, Member(J)

JUDGEMENT(ORAL)

(delivered by Sh.I.K.Rasgotra, Member(A))

Heard. The grievance of the petitioner is that he is working as Chargeeman Grade-II(Mech) in the pay scale of Rs 425-700(revised Rs 1400-2300). He was assessed as average in the Annual Confidential Reports for the period ending 31.3.84 in certain aspects of his performance. The petitioner represented against the average remarks given. Respondents vide their letter dated 27.6.84 explained to him that the "average report is not considered as an adverse report. Assessment as average is to spur him to improve his performance with a view to earn better report in future.

Petitioner alleges that it is because of the average report that he was not considered fit for

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selection for the post of Chargeman Grade-I He, has, therefore, prayed that the average remarks made on him in the Annual Confidential Report for the period ending 31.3.84 be expunged and that the average report should not be taken for the purpose of his selection to the post of Chargeman Grade-I.

The stand of the respondents in their counter affidavit, is that the petitioners could not be placed on the select list for chargeman Grade-I, as he was graded good by the D.P.C. and whereas other candidates who were empanelled/ promoted were graded higher e.g. 'outstanding' and 'very good' by the D.P.C. The post of chargeman Grade-I is a selection post, the persons graded higher than the applicant covered all the available vacancies in grade of chargeman Grade-I. They further submitted it is incorrect to say that 40 points roster was not maintained in respect of promotion of the applicant. In fact out of 842 vacancies of chargeman Grade-I(Mech) 168 posts were earmarked for Sch. Caste candidates in accordance with extant rules duly maintaining 40 point roster. Hence the applicant has no cause of grievance. In his rejoinder the petitioner has submitted that number of vacancies to be filled by SC/ST should 194.

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We have considered the submissions made by the learned counsel for the petitioner Sh. Ashish Kalia and gone through the records carefully. The petitioner was admittedly considered for promotion by D.P.C. against a reserved Sch.Caste vacancy. The post of chargeman grade-I is, a selection post. The candidates graded as outstanding and very good were selected by D.P.C. for promotion which covered all available vacancies. The applicant was graded as good by the D.P.C and therefore, could not brought on the select list, there being no vacancy left for candidates assessed as good. Respondents have clearly stated that the candidates who were graded higher by the D.P.C. filled up all the available vacancies. We have no good reason to not to believe the statement made by the respondents in the counter affidavit.

In the above facts and circumstances there is no justifiable reason for us to interfere in the matter. O.A. is accordingly, dismissed.

No costs.

B.S. HEGDE
(B.S. HEGDE)
MEMBER(J)

I.K. RASGODA
(I.K. RASGODA)
MEMBER(A)