

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-964/88

Date of decision: 30.9.92

Shri Rajender Pal Chawla Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri K.L. Bhatia, Advocate

For Respondents 1 & 2 Shri M.L. Verma, Advocate

For respondents 3 Shri A.K. Behra, Advocate

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Ye*,

2. To be referred to the Reporters or not? *Na*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The claim in this application is for the post of Laundry Manager in the Safdarjung Hospital, New Delhi, by the applicant as against respondent No.3 (Shri R.D. Sharma). We have gone through the records carefully and have heard the learned counsel for both the parties in this regard. *O*

2. The applicant joined the Safdarjung Hospital in 1964 as Electrician. He was promoted to the post of Boiler Attendant in 1965 and was confirmed in the said post in 1971. He was appointed to the post of Assistant Laundry Supervisor in 1977 on ad hoc basis and he is continuing as such even today.
3. There used to be one post of Laundry Supervisor in Safdarjung Hospital. One Harnam Singh, who was holding the said post, was reverted to his substantive post of L.D.C.-cum-Clark in 1976. By the same order, he was asked to hand over complete charge of the Laundry to the applicant till further orders. At that point of time, the applicant was working as Boiler Attendant.
4. On 3.12.1986, the respondents issued a circular letter proposing to fill one post of Laundry Manager in Safdarjung Hospital by promotion/transfer on deputation. The essential qualification prescribed for the said post was 8 years' regular service as Laundry Supervisor. The respondents have stated in their counter-affidavit that the post of Laundry Supervisor in the Safdarjung Hospital which had been in existence, lapsed since 1976 and the Government has not agreed to its revival.
5. A meeting of the Departmental Promotion Committee was convened on 5.1.1988 to consider the suitability of

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five persons who had applied for the said post pursuant to the aforesaid circular. Two Boiler Assistants, the applicant, working as Assistant Laundry Supervisor and Respondent No.3, working as Senior Technician - all belonging to the Safdarjung Hospital - and an employee of the E.S.I. Hospital, Basai Darapur, New Delhi, were the candidates in the field of choice. The minutes of the D.P.C. is at pages 46-47 of the paper-book. The D.P.C. took note of the fact that the post of Laundry Manager was created in 1985 and that no recruitment rules had been notified for the said post. When the advice of the U.P.S.C. was sought, they advised the respondents that the post may be filled by composite method of promotion/transfer on deputation, failing which by direct recruitment. The D.P.C. observed that "the Department of Laundry and Central Sterilisation Service Department (C.S.S.D.) have equation in function provided with Boilers. The boilers fitted in Laundry are for sterilisation of linen and the boiler installed in C.S.S.D. is for sterilisation of the accessories and equipment. There is no change in the nature of duties in these two departments and the staff employed in one of these departments can easily perform duties in the other department. The post of C.S.S.D. Technician is equivalent to the post of Supervisor (Laundry) in grade, duties and responsibilities."

6. The D.P.C. recommended that respondent No.3, who was working as Senior Technician, C.S.S.D., may be appointed to the post of Laundry Manager on deputation basis.

7. In our opinion, the decision of the respondents to fill up the post of Laundry Manager by composite method on the basis of the recommendations of the U.P.S.C. cannot be faulted in the absence of any notified recruitment rules for filling up the said post. We are not impressed by the contention of the applicant that the D.P.C. wanted to favour Respondent No.3. No material has been placed before us in support of his allegation in this regard. The fact that the applicant has worked as Assistant Laundry Supervisor for several years, or that he had looked after the works of Laundry Manager by way of stop-gap arrangement, does not create a vested right to promotion to the said post.

8. The learned counsel for the applicant argued that the applicant has not received any promotion for several years. This is factually correct but he had received two promotions in service - from Electrician to Boiler Attendant, and to Assistant Laundry Supervisor. We are also not impressed by his contention that Respondent No.3 is not qualified for appointment as Laundry Manager. In

the absence of the recruitment rules, the D.P.C. has considered the suitability of all the candidates who had applied for the post and has recommended Respondent No.3 for appointment. In matters of selection by a D.P.C., the D.P.C. is the best judge to decide as to who is the best out of the lot for appointment. The applicant is only a matriculate while Respondent No.3 is a graduate. The post of Senior Technician held by Respondent No.3 is higher status and it carries higher emoluments as compared to that of Assistant Laundry Supervisor held by the applicant.

9. In the light of the foregoing discussion, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

B.N. Dhundiyal
(B.N. Dhundiyal) 30/9/72
Administrative Member

30/9/72
(P.K. Kartha)
Vice-Chairman(Judl.)