

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

MP 764/86 in OA 696/86.

11.11.86.

Shri I.M. Issar Versus Union of India.

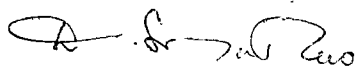
Petitioner through counsel Shri Kailash Vasudev.

On behalf of the respondents, Mrs. Raj Kumari
Chopra, counsel appears.

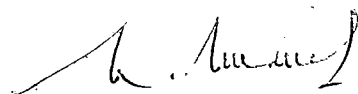
Heard counsel for both the parties. In this petition the petitioner who is a Junior Scientific Assistant, Composite Food Laboratory under the Ministry of Defence has challenged his supersession by Respondent No.4 herein in the matter of promotion to the post of Senior Scientific Assistant and has prayed for quashing the orders passed by Respondent No.1 promoting the respondent No.4. It is the grievance of the petitioner that the said respondent No.4 could not have been promoted in supersession of the petitioner who has all through had excellent confidential reports without any adverse remarks and as all the promotions are made on the basis of 'seniority-cum-merit'. It has further been contended in the petition that somewhere in 1978 respondent No.4 among other lady employees of the Department had given their statement in writing manifesting that in case they were not transferred from one station to another they would not seek and/or demand promotions to the next higher ranks. We have carefully considered the contention of both the sides. The promotion to the post of Senior Scientific Assistant is regulated by the Army Service Corps (Class III posts) Recruitment Rules 1971 which were framed under the proviso to Art. 309 of the Constitution by the President and published under S.R.O. 274 dated 17.7.1971. Column (5) of the said rules against the post of Senior Scientific Assistant prescribes the post as "selection".

[Signature]

The minutes of the D.P.C. of the Departmental Promotion Committee which considered the confidential reports of all the eligible Junior Scientific Assistants at Sl. No.1 to Sl. No.10 of the nominal roll have been produced before us. The Committee examined the service records of all the eligible incumbents. We find therefrom that the petitioner who is at Sl.No.2 of the Seniority list was graded as "Good" by the D.P.C. whereas respondent No.4 who figures at Sl.No.7 in the seniority list was graded as "Very Good" by the D.P.C. The petitioner has only a right for consideration for promotion which has been done in this case. In regard to the contention that respondent No.4 had given a statement that she would not claim any promotion in case she was not transferred to another station, we find that besides respondent No.4 there are other incumbents in the post of Jr. Scientific Assistant junior to the petitioner who have also been graded as "Very Good". So even if the respondent No.4 were not promoted, the petitioner would not have a right for promotion. In the circumstances of the case, we do not find any merit in this petition which is rejected at the admission stage.



(D. Surya Rao)
Member (JM)
11.11.1986.



(Kaushal Kumar)
Member (AM)
11.11.1986.