

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

(3)

O.A. No. 703
T.A. No.

198 6.

DATE OF DECISION October 22, 1986.

Shri Guru Dutt, Petitioner

Shri J.P. S. Sirohi, counsel Advocate for the Petitioner(s)

Versus

Union of India & ors. Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *No*



(Kaushal Kumar)
Member

22.10.1986.



(K. Madhava Reddy)
Chairman

22.10.1986.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI.

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REGN. NO. OA 703/86

Dated: 22.10.86

Shri Guru Dutt

Applicant

Vs.

Union of India & Ors.

Respondents.

Coram: Mr. Justice K. Madhava Reddy, Chairman
Mr. Kaushal Kumar, Member

Applicant through Shri J.P.S. Sirohi, counsel.

(Judgement of the Bench delivered by Mr. Justice K.
Madhava Reddy, Chairman)

This is an application by a Head Constable. He claims that he should be promoted as Assistant Sub Inspector w.e.f. 15.6.1986 when his junior was selected and appointed, and to declare that the appointment of his junior was " illegal, arbitrary, malafide and unconstitutional". He also prays for a direction that he should be included in D-I List as per his seniority " with all service and monetary and other benefits with retrospective effect". His contention is that the promotion of his junior is arbitrary and violative of Articles 14 and 16 of the Constitution.

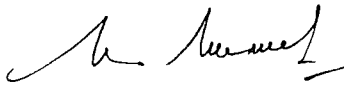
2. It is not disputed that he was awarded punishment of forfeiture of one year's approved ^{service.} It is also not disputed that he was considered by the D.P.C. along with others eligible for consideration. The allegation that while another person who was awarded punishment of forfeiture of two years' service was selected but he was dropped, in our opinion, that by itself does not constitute discriminatory treatment or amounts to arbitrary selection or violation of Articles 14 and 16 of the Constitution. The D.P.C. considers the overall merit of eligible candidates. May be, the other person was awarded punishment of forfeiture of two years' service and the applicant was awarded one year's; but the other person's record may be outstanding while that of the applicant only average or good. Upon an overall assessment of merit, the selection is made . No other record is placed before us to hold that

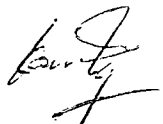


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selection made by the D.P.C. is arbitrary so as to call for interference of this Tribunal. This application is, therefore, dismissed.


(Kaushal Kumar)
Member 22.10.86


(K. Madhava Reddy)
Chairman 22.10.86