

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

O.A. No. 851/86 198
T.A. No.

DATE OF DECISION 1-5-1987

Shri Ajit Singh Jassal **Petitioner**

In person Advocate for the Petitioner(s)

Versus

Union of India Respondent

Shri N.S. Mehta Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. S.P. Mukerji, 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

(S.P. Mukerji)
Member
1-5-1987

(K. Madhava Reddy)
Chairman
1-5-1987

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

REGN. No. OA-851/86

Shri Ajit Singh Jassal

.... Applicant

Vs

Union of India

... Respondent

CORAM

The Hon'ble Mr. Justice K.Madhava Reddy, Chairman
The Hon'ble Mr. S.P. Mukerji, Member

Applicant

... In person

For Respondent

... Shri N.S. Mehta,
counsel.

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

This is an application under Section 19 of the
Administrative Tribunals Act, 1985 by a Section Officer
in the Department of Supply, New Delhi. He prays for
a direction against the Union of India to promote him
as Under Secretary on an ad hoc basis immediately,
before his retirement on 31.12.1986 as leftover of
1984/1985 eligibility list or otherwise giving effect
to his promotion from 1.7.1985 or the date on which
has arisen
first reserve point vacancy of 1986 Select List with
all benefits of fixation of pay and payment of arrears
etc.

It is the case of the Applicant that he was
directly recruited in November, 1955 to the Assistant
Grade. He belongs to the reserved category of Scheduled
Castes. In the matter of promotion to the post of
Section Officer, he was not given his due place and that
many with shorter length of service than him as Assistants
and Section Officers have been promoted as Under Secretaries.

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while he was ignored. He also complains that his claim as a Scheduled Caste candidate belonging to the reserved category has also been totally overlooked.

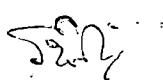
The applicant was included in the Select List for the year 1986 of the officers of the Central Secretariat Service for appointment to Grade I of the Service which was published on 8th December, 1986. The applicant was due to retire from service on attaining the age of superannuation on 31.12.1986. He seems to be nursing a grievance that he has been robbed of his promotion which was due to him on the verge of retirement. Whatever may have been his rank in the cadre of Section Officers and Assistants, when Select List of Section Officers was drawn up and published on 8th December, 1986 he was placed at Serial No. 80. In this list, there are 8 candidates of the reserved category. Of these, 2 belong to Scheduled Tribe and are placed at Sl. Nos. 24 and 77 in the list and 6 belong to Scheduled Caste category and are placed at Sl. Nos. 59, 76, 78, 79, 80 and 81. The applicant placed at Sl. No. 80 is the last but one candidate in the Select List. He is also the last but one Scheduled Caste candidate in that list. Before he retired his turn did not come and, therefore, he could not be appointed as Under Secretary. Even after one is included in the Select List, he can only claim to be appointed in his turn. Even then, he has no right to be appointed; he can only enforce that right if a person below him in the Select List is appointed. XXXXXXXXXXXXXXXXXX Neither a general candidate nor a reserved category candidate, either of Scheduled Caste or Scheduled Tribe/junior to him/has been appointed. Their turn has not/come yet. Further, there are 4 Scheduled Castes candidates above the applicant. He cannot, therefore,

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make any legitimate grievance that he was ignored in the the matter of promotion.

His alternative claim that he should have been appointed on an ad hoc basis is also untenable. No employee can claim a right to be appointed on an ad hoc basis. Even here, there would have been some basis for grievance if someone junior to him or lower in the merit list was appointed on an ad hoc basis and he was ignored. None junior to him has so far been appointed either in the general category or in the reserved category. Even in his own Department of Supply, there are at least 5 persons in the Select List who are placed above him who have not been promoted. The applicant's grievance is wholly untenable and must be rejected.

The Applicant's claim that he was senior in the category of Assistants and also Section Officers cannot be gone into in this application. He had filed a Writ Petition before the Delhi High Court in regard to his grievance that his seniority has been overlooked in the matter of promotion was rejected by the High Court on 11.9.1985. He carried the matter by way of a Special Leave Petition to the Supreme Court and the same was dismissed. In the result, the grievance of the applicant, if any, with regard to his seniority in any Grade of the service as: xxxxxxxxxxxx on 18.4.1985 stood finally rejected. It is not now open to him to agitate this matter before this Tribunal. So long as that position stands, the subsequent claim to promotion which can be based only on the Select List of 8th December, 1986 for the reasons stated above, cannot be acceded to. This application, therefore, fails and is accordingly dismissed, but in the circumstances there will be no order as to costs.


(S.P. Mukerji)
Member
1.5.1987


(K. Madhav Reddy)
Chairman
1.5.1987