

Central Administrative Tribunal  
Principal Bench, New Delhi.

D.A. No. 780/87.

Date of decision: 29-9-92.

M.B. Lal .. Applicant

V/s.

Union of India .. Respondent

CORAM:

The Hon'ble Mr. Justice V.S. Malimath, Chairman.  
The Hon'ble Mr. I.K. Rasgotra, Member (A).

JUDGMENT (ORAL)

(The Hon'ble Mr. V.S. Malimath, Chairman):

None appeared either for the applicant or for the respondent.

As this is a very old case, we consider it appropriate to look into the records and dispose of the case finally on merits.

2. The grievance of the petitioner in this case is in regard to his promotion to the Joint Director Grade II. It is his case that while his juniors have been promoted, his case has been ignored.

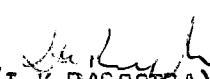
3. The respondent, in the reply has extracted Rule 8(c) of the IES Rules 1961 which shows that all vacancies in the cadre of Joint Director Grade II shall be filled by promotion from amongst Grade III officers who have completed not less than five years of service on a regular basis in that grade. Promotions are required to be made on the basis of merit with due regard to seniority by the Controlling Authority on the advice of the Board. In the reply, it is stated that the case of the petitioner was considered by the DPC when it <sup>✓</sup> filling up took up for consideration for the vacancies for the years 1985, 1986

and 1987. During all those years, though the case of the petitioner was considered, his name could not be empanelled as he was assessed <sup>not</sup> ~~as~~ having sufficient merit to be selected in preference to others who have been empanelled. As merit was the primary criteria for promotion, the petitioner cannot contend that he would be entitled to be promoted even though there were more meritorious candidates than him. Having regard to the <sup>as aforesaid</sup> statutory provisions, it is not possible to accede to the contentions of the petitioner that there was any arbitrariness involved in the matter of making selection during the years 1985, 1986 and 1987. We are satisfied that DPC considered his case and did not find sufficient merit in him to merit inclusion in the list. This petition, therefore, fails and dismissed.

No costs.



(V.S. MALIMATH)  
CHAIRMAN

  
(I.K. RASGOTRA)  
MEMBER (A)

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