

Central Administrative Tribunal  
Principal Bench, New Delhi.

.....

D.A.No.800/87.

Date of decision: 29-9-92.

R.D. Bansiwai

..

Applicant

v/s.

Union of India and Others ..

Respondents

CORAM:

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

JUDGMENT (ORAL)

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

None appeared either for the petitioner or for the respondents.

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

2. The petitioner has prayed for quashing the order of promotion of the respondent no.2, Shri S.R.L. Rawat, to the post of Assistant Statistician in the E & I and Special Scheme Section of the Department of Health. The petitioner's case is that he is senior to respondent no.2 and, therefore, promotion of his junior is discriminatory and arbitrary. His case is that he belongs to Scheduled Caste community and the post is reserved for members of the Scheduled Caste.

3. In the reply filed in this case, it is not disputed that the post was required to be filled up by promotion of a Scheduled Caste candidate. It is, however, stated that respondent no.2 is also a Scheduled Caste candidate. What is more important is that the rules require that this post should be filled up by promotion by selection,

(4)

meaning thereby the meritorious candidate among the eligible candidates within the zone of consideration has to be selected for appointment. The case of the petitioner, as is clear from the reply, was considered and he was not found to have sufficient merit as compared to respondent no.2 for being selected and promoted. As respondent no.2 was found to have better merit by the Selection Committee, he was selected and appointed. The action taken in this behalf cannot be regarded as arbitrary or violative of Article 14 of the Constitution. This petition, therefore, fails and dismissed.

No costs.

*S. Balugan*  
(I.K.RASGOTRA)  
MEMBER (A)

P.K.K.  
290992.

*V.S.MALIMATH*  
(V.S.MALIMATH)  
CHAIRMAN