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In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.889/87

Date of decision: 29.10.1992.

Noneet Lal

...Petitioner

Versus

Union of India through the
Secretary, Ministry of Food &
Agriculture & Others. ...Respondents

Coram:-

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

For the petitioner Shri Umesh Mishra, Counsel.

For the respondents Shri N.S. Mehta, Senior
Standing Counsel.

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

The grievance of the petitioner is about non-consideration of the petitioner's case for promotion to the post of Sales Assistant. The petitioner's case is that he had worked on ad hoc basis for five years and, therefore, there could not have been any valid justification for not considering his case in the year 1982 when the Departmental Promotion Committee (DPC) met for the purpose. It appears that the case of the petitioner was not considered by the DPC in the year 1982, as the attention was confined only to the general merit candidates. When the mistake was realised a review DPC was held in the year 1986. It is stated in the reply that the review DPC did consider the cases of every one concerned including the case of the petitioner. It is stated

that as a result of the review DPC respondent No.3 was selected and promoted to the only post that was available. As the petitioner was placed at serial No.2 in the list by the DPC, there being only one vacancy he could not be accommodated. There is no good reason to disbelieve the statement in the reply in this behalf. Right of the petitioner is for consideration. Though his case was not considered in the year 1982, that mistake was rectified and his case was duly considered in the year 1986. Hence, there is no good ground for interference.

2. For the reasons stated above, this petition fails and is dismissed. No costs.


(I.K. Rasgotra)

Member(A)


(V.S. Malimath)

Chairman

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