

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI.

O.A.No.998 of 1987

Date of Decision: 27.4.93.

Lakshmishwar Shukla Applicant.

Versus

Union of India & others Respondents.

CORAM:

Hon'ble Mr.N.V.Krishnan, Vice-Chairman(A).

Hon'ble Mr.C.J.Roy, Member(A)

For the applicant: Shri G.K.Agarwal, Counsel.

For the respondents: Shri M.L.Verma, Counsel for
respondent no.1

Respondent no.2 is in person.

JUDGMENT(ORAL)

(By Hon'ble Mr.N.V.Krishnan, Vice-Chairman(A).)

The applicant was on deputation in the National Security Guards Organisation. He is aggrieved by the fact that the respondent no.2 was promoted as Assistant Director in preference to him and the entire case is built on the argument that the applicant is senior to the respondent no.2. The applicant has, therefore, prayed as follows:-

"(A) Order restoration of applicant's seniority in DGS(S) Service as Section Officer above respondent-2 as per seniority list as on 1.12.82(Annex-P/2) by removing all obstacles therefrom, and consequently

(B) Order fresh DPC from Section Officer to Asstt. Director in DGS(S) service for vacancy of 1.8.87 & others, if any, on the basis of Annex-P/2, after setting aside as void the DPC dated 8.7.87 and its proceedings for the same,"

2. The respondents no.1 and 2 have filed separate replies contesting this claim.

3. When the case came up for final hearing today, the learned counsel for the respondent no.1- Union of India, drew our attention to the Directorate General of Security(Secretarial) Service Rules, 1975 issued on 4.11.75. The entry No.1 of Schedule II

relates to Assistant Director(Administration), the post in question. It is stated in Column No.3 that this is a selection post.

4. Shri M.L.Verma-learned counsel for the respondent no.1 submitted that a meeting of the Departmental Promotion Committee was held on 8.7.87 in which the names of the applicant as well as the respondent no.2, along with three others, were considered. The Departmental Promotion Committee graded the respondent no.2 as 'Outstanding' while the applicant and others have been graded as 'Very Good'.

5. He submitted that the post of Assistant Director is a selection post and the applicant cannot claim promotion on the basis of seniority. Admittedly, the applicant was within the zone of consideration and was considered but the respondent no.2 was found to be a better candidate when the DPC was held.

6. Shri G.K.Agarwal-learned counsel for the applicant was fair enough to concede that as the appointment is based on selection and as the applicant was also considered, but not selected, the applicant's higher seniority ^{even} ~~was~~ if allowed, is of no consequence.

7. In view of these submissions of the parties, we find that this application has no merit and it is dismissed.

8. There shall be no order as to costs.

(C.J.ROY)
MEMBER(J)

(ug)

(N.V.KRISHNAN)
VICE-CHAIRMAN (A)