

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 180/90

Date of decision... 3.6.94

Hon'ble Shri S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

Shri D.S. Negi,
U.D.C. P.W.D. Circle No.1(DA)
New Delhi

.... Applicant

(None for the applicant)

Versus

1. Union of India, through Secretary, Ministry of Works & Housing, New Delhi.
2. Director General of Works, CPWD, Nirman Bhawan, New Delhi
3. Superintending Engineer, Coordination Circle, ~~Kanpur~~ New Delhi
CPWD, Nirman Bhawan
4. P.C. Dixit, Central Circle, Kanpur.
5. S.N. Pandey, Kanpur Central Division.
6. Ajay Kumar Srivastava, DCC-IV, C.P.W.D. New Delhi
7. D.D. Sood, Chandigarh Central Division.

... Respondents

(By advocate Sh. Madhav Panikar)

JUDGMENT

(Delivered by Shri S.R. Adige, Member(A))

None for the applicant, although we have waited for a considerable length of time. Shri Madhav Panikar, counsel for the respondents was present and heard. As this is an old case, we thought it fit to dispose it of, after hearing Shri Panikar and going through the materials on record.

(8)

2. In this application Shri D.S. Negi, UDC P.W.D. Circle No.1(DA) New Delhi has prayed that he be given promotion to the grade of U.D.C. w.e.f. 1970 including all consequential financial benefits, together with interest @ 20% per annum on the amounts due.

3. He states that he joined the CPWD as LDC on 4.1.62 and passed the departmental competitive examination for promotion to UDC on 21.9.70 and was placed at serial No.219 in the list of successful candidates but was not promoted inspite of availability of vacancies. Another departmental competitive examination was held in 1974, but by a circular (Ann.A.2) those who had cleared the 1970 exam. were not allowed to reappear as a result of which those who cleared the exam. in 1974 and were junior to the applicant were promoted before him. Ultimately he was promoted on 23.9.78. He states that he submitted representation against his non-promotion, but to no avail compelling him to file this O.A.

4. Shri Madhav Panikar has drawn our attention to the reply, which refers to the Recruitment Rules, whereby permanent and Quashi-permanent LDCs are promoted as UDCs in every recruitment year in the following manner:-

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- i) 37½% vacant posts of UDCs are filled in according to seniority-cum-fitness.
- ii) 12½% vacant posts of UDCs are filled in by the meritorious candidates on competitive basis through departmental examination held every year.
- iii) 50% vacant posts are filled according to seniority provided the candidates secure qualifying marks in the subsequent deputt. Exam.

Shri Pannikar states that the applicant cleared the examination in 1970, ^{but} he did not come within the merit list i.e. 12½% quota and he, therefore, could be considered only in the 50% quota, ^{However,} ~~but~~ promotion in this quota could be made only on the basis of seniority subject to fitness, and the applicant's turn for promotion did not come ^{even upto} ~~in~~ the 1974 exam. according to the available vacancies under this 50% quota. As regards, his contention that 5 officials junior to him were promoted prior to himself, Shri Madhav Panikar, has pointed out that these 5 persons were promoted under 12½% quota of merit list, and as such no comparison can be drawn between these 5 persons and the applicant.

5. Prima facie, we see no good reasons to disbelieve the contents of the reply filed by the respondents, attention to which has been drawn by Shri Pannikar and under the circumstance no interference in this matter is warranted.

6. This application therefore, fails and it is accordingly dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (Judicial)

S. R. Adige
(S. R. Adige)
Member (A)