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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.18/90

New Delhi this 27th Day of May 1994

Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. B.K. Singh, Member (A)

Shri P.C. Gupta,
SON of Shri Parti Ram Gupta,
Senior Chemical Assistant,
Archaeological Survey of India,
Janpath, New Delhi-110 011.

... Applicant

(By Advocate Shri Ashish Kalia)

Vs.

1. Director General,
Archaeological Survey of India,
Janpath, New Delhi.

2. Shri S.K. Singh,
Assistant Superintending
Archaeological Chemist,
Archaeological Survey of India,
Patna Zone, Patna

3. Shri P.S. Gupta, A.S.A. Chemist,
Arch. Survey of India,
Agra.

4. Dr. R.P. Singh,
A.S.A. Chemist,
Archaeological Survey of India,
Delhi Zone, Delhi.

... Respondents

(By Advocate : Shri V.S.R. Krishna)

O R D E R (Oral)

Hon'ble Mr. J.P. Sharma, Member J

The applicant is Sr. Chemical Assistant in Archaeological Survey of India and assailed the seniority list as on September 1989 of Sr. Chemical Assistant where his name was not show in the seniority list though he had been working on ad hoc basis on the post with effect from 25.10.1982 having been recommended by a Departmental promotion Committee alongwith others. He has prayed for giving the proper place in the seniority list on the post of Sr. Chemical Assistant and be given further consequential promotion.

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The Respondents contested the application and denied the averments made by the applicant stating that the D.P.C. held on 18.2.1982 recommended four names in which the name of the applicant was not present. Secondly, the recommendation of the DPC was reviewed again on 18.2.1982 as earlier DPC did not take into consideration of 9 eligible candidates' ACRs. A review DPC took place on 9.9.1982 when one more post fell vacant and candidates were recommended on ad hoc basis for five vacancies. The name of the applicant was at Serial No. 2. It was subsequently found that every DPC held as said above did not calculate the year-wise vacancies and the list of candidates falling within the zone of promotion in accordance with the number of vacancies for each year. A fresh DPC, therefore, was held on 18.6.1986 and for the year 1980, 2 persons for the year 1981, one person for the year 1982, 2 persons were recommended. The applicant was not recommended as he was not within the zone of consideration for promotion to the post of Sr. Chemical Assistant. A meeting of the DPC was held on 6.4.1990 and for the year 1984 one person, for the year 1985 3 persons, for year 1987 one person, for the year 1988 one person, for the year 1989 one person and for the year 1990 four persons were recommended and the name of the applicant was at Serial No. 3. Thus, though the applicant was given ad hoc promotion with effect from 25.10.1982 he could according to rules and by properly constituted DPC could get promotion to the post of Sr. Chemical Assistant only on the recommendation of the DPC, held on 6.4.90. Thus, according to the respondents the name of the applicant was not to be shown in the seniority list as on September 1989.

2. Applicant has also filed the rejoinder reiterating the same facts.

3. We have heard Shri Asish Kalia, learned counsel for the applicant and Shri V.S.R. Krishna, learned counsel for the respondents. We couldn't find any merit in this application and in this connection the applicant was not in the zone of consideration for promotion in any of the years before the year 1990. He was not reverted, of course, but the promotion was irregular and not according to the guidelines for recommending promotion by the D.P.C. In view of this the applicant should not have any grudge. He has been given a due place on the post of Sr. Chemical Assistant. The learned counsel for the applicant could not show that any of the junior to the applicant on the post of Chemical Assistant has become senior to him on promotion to the post of Sr. Chemical Assistant. The applicant cannot get any seniority over his seniors as none of them has since been superseded. If a panel has been drawn inadvertently and irregularly the persons so empanelled cannot draw any advantage of seniority except that of their posting they rightly got a higher pay for the post to which the persons were irregularly got promotion.

4. The application is, therefore, dismissed as devoid of merit.


(B.K. Singh)
Member(A)


(J.P. Sharma)
Member(J)

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