

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO. 1396/91

New Delhi, this the 7th day of August, 1995

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

Hon'ble Shri R.K. Ahooja, Member(A)

Shri Duli Chand,
s/o Shri Yad Ram,
r/o RZ-239/346, Shiv Puri,
West Sagarpur,
New Delhi.

... Applicant

By Advocate: Shri O.P. Sood

Vs.

1. Union of India
through
Director of Printing,
Nirman Bhavan,
New Delhi.

2. The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

3. Shri Banarsi Dass,
Compositor

4. Shri B.S. Tyagi,
Compositor

5. Shri Kewal Kishan
Compositor

6. Shri Lakh Ram,
Compositor

... Respondents

Respondent No. 3 to 6
c/o The Manager,
Govt. of India Press, Maya Puri,
Ring Road, New Delhi.

By Advocate: Shri B. Lall

ORDER (ORAL)

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

The applicant belongs to a reserved
category being S.T. at the time of entry to the
service as Compositor Grade-II in the year 1972.

He was promoted as Compositor Grade-I in June, 1984

in the revised pay scale of Rs.1200-2040. The next is promotional post of Section Holder (case) and that is governed by the Recruitment Rules issued by the Ministry of Urban Development dated 28.12.87. The posts of Section Holder (Case)/Time Checker (Case), Correction Checker (Case) are filled 100% by promotion failing which by direct recruitment and the grade is Rs.1400-2300 and is a Group 'C' post. The grievance of the applicant is that the respondents held the DPC in May, 1991 and 4 vacancies were considered and as one of the vacancies was on the roster point available to ST candidate, the applicant though he was in the zone of consideration was not considered by the said DPC. and 4 other category candidates were appointed though on adhoc basis. Being aggrieved by the same, the applicant filed this O.A. in June, 1991 and the prayed for the grant of the reliefs that the DPC held on 8.5.91 be quashed and the respondents be directed to consider the applicant for promotion to the post of Section Holder (Case) on the ST category and given him promotion w.e.f. the date the others were given.

The applicant has also filed the M.A. No. 3666/91 in November, 1991. The respondents also

filed the reply to this MA and in para 7 of the reply it is stated that the case of promotion for the post of Section Holder(Case) was placed before the DPC held on 26.11.91 and Shri Duli Chand has been promoted as Section Holder(Case) w.e.f. 1.12.91 on ad-hoc basis for a period of 3 months. This reply is verified by Shri T.R. Kapahi,Asstt. Manager(Admn.) and also signed by the then learned counsel Shri K.C. Mittal for the Government. This M.A. was ultimately dismissed for non appearance of the petitioner but the relief had already been granted to the applicant w.e.f. November,1991.

In the reply filed by the respondents though there is denial that the applicant has a right to be considered because they have considered the vacancies upto 12 point of the seniority taking into account the number of vacancies as given by them in para 4 of the counter. The objection of the learned counsel for the applicant is that the zone for SC/ST category was not extended and thereby the applicant was not considered in the DPC held in May,1991.

We find that the applicant has utterly failed to place on record a senioritylist, the roster point nor got these documents summoned from the respondents before hearing. In view of this, it cannot be inferred that even in the extended zone on the basis of guidelines of DOP&T for relaxing the zone of consideration in the

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case of SC/ST, the name of the applicant should have been within the multiple of the number of vacancies.

Since the applicant had already been granted the relief in ^{Dec} November, 1991 and also has been subsequently appointed on regular basis, we do not find to disturb and unsettle the matter at this point of time in the year 1995 though the applicant has utterly failed to establish his case. However, the respondents have given in writing in reply to MA.No.3656/91 that the applicant has since been promoted. We take it as granted that the relief prayed for by the applicant was granted by the Administration from 1.12.91.

Since the applicant is not present alongwith the learned counsel, the actual position could not be verified nor the learned counsel for respondents Shri B. Lall is equipped with the latest development of the case as departmental representative is not present on behalf of respondents.

In view of the above facts, the present O.A. is disposed of. The relief has already been granted to the applicant by the administration. The O.A. has become infructuous. Cost on parties.

R.K. Sharma
(R.K. SHARMA)
Member (A)

J.P. Sharma
(J.P. SHARMA)
Member (J)