

Central Administrative Tribunal
Principal Bench

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O.A. No. 1403/1991

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

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Shri Roshan Lalage 57
S/o Shri Jog Raj,
Qrt. No. 14, Type II, Press Colony,
Mayapuri, Ring Road,
New Delhi.

...Applicant

(By Shri O.P. Sood, Advocate)

Versus

1. U.O.I.
service through
Director of Printing,
Nirman Bhawan,
New Delhi.
2. Manager,
Govt. of India Press,
Mayapuri,
Ring Road,
New Delhi
3. Shri Chatter Pal,
Foreman, Govt. of India Press,
Ring Road,
Mayapuri,
New Delhi.
4. Shri Gopi Chand,
Foreman,
C/o Manager, Govt. of India Press,
Ring Road,
Mayapuri,
New Delhi

Respondents

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

O R D E R (ORAL)

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

The applicant as well as respondent No. 3 & 4 are the employees of the Govt. of India Press and hold the post of Section Holder which is a promotional post from

Compositor Grade-II. Next promotional post is that of Foreman. This promotion is governed by the rules issued by the Ministry of Urban Development by G.S.R. dated 28th December, 1987. The post of Foreman is to be filled by 100% promotion in the grade of Rs. 1400-2300/- and Section Holder with three years regular service in the grade are eligible for promotion. In the event that eligible candidates are not available, then Section Holder with 8 years total service in that grade and the next lower grade are eligible for consideration. A group 'C' Departmental Promotion Committee considers the promotion.

The applicant filed this O.A. when he was at the age of 57 years and he retired during the pendency of the application on 30th June, 1991. He has a grievance that one Shri Chatterpal and Shri Gopi Chand were given promotion on the post of Foreman ignoring the claim of the applicant for promotion though he claims himself to be senior-most in the cadre of the Section Holder. The applicant has given a comparative chart of his bio-data with respect to respondents No. 3 & 4 i.e. Chatter Pal and Gopi Chand respectively as Compositor Grade-I & Compositor Grade-II. The applicant joined as Compositor in Feb., 1957; Shri Chatterpal joined in Feb., 1961 and Shri Gopi Chand joined in September, 1956. All the above i.e. applicant and respondents No. 3 & 4 joined as Compositor Grade-I in December, 1971; January, 1972 and in June, 1971 respectively.

The applicant joined as Section Holder on ad-hoc basis in Feb., 1982 while on regular basis he was promoted in May, 1984 so the case of Shri Chatter Pal. Regarding the case of Shri Gopi Chand, it is said that he did not qualify hence he was reverted from the ad-hoc post. Shri Chatter Pal & Shri Gopi Chand were, however, promoted in April, 1990 and Feb., 1991 respectively to the post of Foreman ignoring the claim of the applicant.

The applicant, therefore, filed this original application in May, 1991 and prayed for the grant of the reliefs that the promotion accorded to Respondents No. 3 and 4 in the year 1990 and 1991 be quashed with the direction to the respetions to promote the applicant from May, 1990 with all consequential benefits.

On notice, the respondents filed the reply and opposed the grant of the relief prayed for and also denied the averments made in the O.A. regarding the seniority of the applicant above Shri Gopi Chand respondent no. 4. Regarding respondent no. 3, it is said that he belongs to SC category and he got promotion earlier in his own quota on the reservation point. It is said that for the promotion to the post of Foreman, a panel was prepared and since the applicant got last berth in that panel i.e. at no. 4 and three vacancies were filled up, so, he could not be appointed and he in the meantime has retired. The applicant, therefore, has no case. The respondents have denied averments of the applicant

made in the original application that Shri Gopi Chand was reverted and in the rejoinder the applicant has not denied this fact specifically. The ad-hoc promotion given to the applicant sometimes in Feb., 1982 was not considered for granting him the seniority as there was no clear substantive vacancies available and the promotion was given without the formalities of conducting a D.P.C. as per rules of 1987.

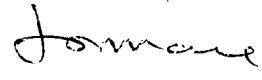
We heard the learned counsel for the applicant Shri O.P. Sood and Shri V.S.R.Krishna counsel for the respondents at length and perused the record. Firstly, we find that the learned counsel hammered on a selection conducted by the respondents by holding a D.P.C. in 1983. The proceedings of that D.P.C. also shows as averred in the original application that the grading of the applicant was adjudged better than Shri Gopi Chand. However, this D.P.C. was not duly constituted as per O.M. of D.O.P&T inasmuch as no member in the D.P.C. was belonging to SC/ST category and further there was no outsider. The competent authority, therefore, quashed the proceedings of that D.P.C. The contention of the applicant's counsel, therefore, cannot be accepted that by virtue of the grading given to the applicant in that D.P.C., the applicant earned better seniority than it was prevailing due to length of service in the grade of Compositor Grade-I & Compositor Grade-II and that of Section Holder. When we go through the

avement in the O.A. in para No. 4.C, we find that in the zone of consideration Shri Gopi Chand is shown senior at serial no. 5 while the applicant is shown junior at serial no. 6 and Shri Chatterpal, SC candidate, is shown at serial No. 15. Thus, Shri Gopi Chand had always been considered as senior to the applicant. The theory of reversion put by the applicant in the original application has been denied by the respondents and they have taken the uniform stand that seniority in Section Holders(CASE) was governed by the date of regular appointment to the grade and both the applicant and respondent no. 4 i.e. Gopi Chand were regularly appointed to the grade of Section Holder on 25.5.1984 and since Shri Gopi Chand having joined the service earlier and earned earlier promotion in Grade-I & Grade-II, the applicant cannot march over the seniority from Shri Gopi Chand. As regards Shri Chatter Pal, though he is junior but on the roster point, he got his promotion earlier in both the grades of Compositor as well as Section Holder and he earned that place while he was promoted to the post of Foreman in the reserved category. We, therefore, find that the applicant has no case at all as he was considered and given a berth at the bottom of the panel and he could not succeed in getting a placement till the date of his retirement on super-annuation.

The respondents are, therefore, not at fault. The relief prayed for by the applicant in this application, therefore, cannot be granted in favour of the applicant.

In view of the above circumstances, the application is dismissed accordingly leaving the parties to bear their own costs.


(B.K.SINGH)
Member (A)


(J.P. Sharma)
Member (J)

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