

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 1401/92

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New Delhi this the 28th day of August, 1997

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

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

Shri Lachhman Das Gupta  
C/O NO-62, Pitampura,  
Delhi-35

(By Advocate Sh. S.K. Aggarwal) ... Applicant

Vs.

Union of India through Secretary  
Ministry of Urban Development,  
Nirman Bhawan, New Delhi-11

The Director General (Works),  
Central Public Works Department,  
Nirman Bhawan, New Delhi.

(By Advocate Sh. K.R. Sachdeva) ... Respondents

O R D E R (ORAL)

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

The applicant is aggrieved by the non-promotion from the post of Assistant Engineer (Civil) (on adhoc basis) to Executive Engineer (Civil) on long term vacancy in which he states that some of his juniors have been promoted on 19.6.1991.

2. The applicant has challenged his supersession in adhoc promotions made in 1991-92, mainly on two grounds (i) that the same ought to have been done on the basis of seniority alone, subject to elimination of those disqualified for promotion ; (ii) that the respondents had <sup>taken</sup> into account his adverse ACR for the year 1990-91 to deny him adhoc promotion. According to him the adverse remarks had not been communicated to him at that time.

3. The respondents in their reply have submitted that the ad hoc promotions were made against the long term vacancies and hence the Screening Committee was

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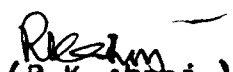
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constituted and only the AEs with records of service "Very Good" and who are likely to figure in the regular panel prepared by the DPC were recommended for ad hoc promotion. The Screening Committee considered the case of the applicant along with other officers, but the applicant could not make the grade and, therefore, he was not considered for ad hoc promotion.

4. We have considered the pleadings and the submissions made by the learned counsel for the parties.

5. Since it is an admitted fact that the promotions given in 1991-92 were against the long term vacancies, the method of selection adopted by the respondents through the Screening Committee cannot be faulted. In <sup>a</sup>similar case, Shri Subash Chander Malik V. UOI & Ors (OA 211/94) decided on 15.7.94, the Tribunal has <sup>is</sup> upheld this view and we are in respectful agreement with the reasons given therein.

6. In the above facts and circumstances of the case, we find no merit in the application and it is accordingly dismissed. No order as to costs.

  
(R.K. Ahuja)  
Member (A)

  
(Smt. Lakshmi Sumanathan)  
Member (J)

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