

In the Central Administrative Tribunal
Principal Bench: New Delhi

Regn. No. OA 568/1992

Date of decision: 08.04.1993.

Shri Biswanath Ghosh

...Applicant

Versus

Union of India & Others

...Respondents

For the Applicant

...Shri D.S. Mahendru,
Counsel

For the Respondents

...Shri M.L. Verma,
Counsel

CORAM:-

**THE HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN
THE HON'BLE MR. I.K. RASGOTRA, ADMINISTRATIVE MEMBER**

1. To be referred to the Reporters or not?

JUDGEMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The main relief claimed is that the order dated 10.10.1991 reverting the applicant from the post of Upper Division Clerk to that of Lower Division Clerk may be quashed.

2. On 12.05.1988 an order was issued stating therein that on the basis of the results of the Departmental Competitive Examination for promotion of LDCs, 5 candidates have been promoted as UDCs. The name of applicant was shown at S.No.5 in the order. On 14.03.1991 an order was passed that in partial modification of the order dated 12.05.1988, three LDCs including the applicant were being promoted as UDC on ad hoc basis with effect from 12.05.1988.

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to 31.12.1988. However, in paragraph 2 of the said order there was a recital that the three candidates including the applicant had been promoted as UDC on 1.1.1989. On 14.3.1991 another order was passed stating therein that the order passed on 12.5.1988 and 8.8.1989 have been reviewed with the result that the rank of LDCs have been brought down. The applicant's name appeared in the said list. The date mentioned was 12.05.1988. On 10.10.1991 the impugned order was passed.

3. A reply has been filed on behalf of the respondents. In it, the material averments are these. On 12.05.1988 or even prior to that a Departmental Competitive Examination took place. There were only 2 vacancies available for general candidates. The applicant was placed at S.No.5 of the said order and was erroneously shown as promoted on 12.05.88. Later on, a fresh selection took place. The applicant was found junior to those found fit and, therefore, he could not be selected. These facts have not been controverted in the rejoinder-affidavit. On the material on record, we are satisfied that there ~~was~~^{were} in fact, only 2 vacancies and the applicant could not be promoted ~~to~~ⁱⁿ those 2 vacancies. The result is that, we are unable to grant any relief to the applicant.

4. The application, therefore, fails on this ground.