

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

OA-1742/93

DATE OF DECISION 1-9-93

<u>Sh. A.K.L. Das</u>	Petitioner
<u>Sh. D.R. Roy</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. & Ors through Secretary, Ministry of Water Resources</u>	Respondent
<u>None</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hegde, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT (GRAL)

(delivered by Sh. I.K. Rasgotra, M(A))

We have heard the learned counsel for the petitioner. His grievance is that in the D.P.C. held in 1991, he was not selected for the post of Assistant Engineer. The petitioner is presently employed as Junior Engineer (Non-gazetted) in the office of the respondents, while the post of Assistant Engineer is a Group B Post. Another D.P.C. was held in 1992, but he was again not selected. He submitted a representation on 7.11.91 to the Chairman, Central Water Commission inviting

3

attention of the Central Water Commission to office orders dated 25.4.91 and 13.5.91 according to which 29 and 25 Graduates Junior Engineer were promoted while petitioner's name was not included in the said lists. He, therefore, prayed for personnel intervention of the Chairman, Central Water Commission so that his name could be included in the promotion list. He submitted another representation on 4-12-91 with reference to the same order. The next representation made on 31.3.1993.

2. Sh.D.R.Roy, learned counsel for the petitioner submitted that some junior Engineers junior to the petitioner have been included in the promotion list whereas his claim has been ignored. On enquiry from the Bench, learned counsel for the petitioner submitted that post of Assistant Engineer is a selection post which is to be filled on the recommendation of the D.P.C. in consultation with the Union Public Service Commission. The learned counsel further submitted that since no reply has been received by the petitioner in response to his representations, he was of the opinion that his case was not being considered for appointment as Assistant Engineer.

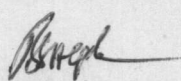
3. The Learned counsel submitted that the petitioner is in the zone of consideration and the respondents should consider his case for promotion as Assistant Engineer. They have also not responded/Admittedly the post of Assistant

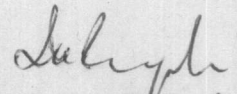
/to his
representation.

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Engineer is a selection post and the petitioner cannot claim automatic promotion. We however, see no reason as to why the respondents should not give a reply to the petitioner. Accordingly, we direct the respondents to give a reply to the representation of the petitioner within 3 months from the date of communication of this order. OA is disposed of as above at the admission stage itself.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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