

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

OA.No.1764/93

DATE OF DECISION 1-9-93

Sh.J.C.Negi _____ Petitioner

Sh.A.K.Gupta _____ Advocate for the Petitioner(s)

Versus

Lt.Governor & Ors through Secretary Respondent
Labour, National Capital Territory of Delhi

None _____ 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 (ORAL)

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

Heard, Sh.A.K.Gupta, counsel for the petitioner. Sh. J.C.Negi, the petitioner herein belongs to Scheduled Tribe Community. He was considered for promotion to the post of Deputy Labour Commissioner against a vacancy reserved for Scheduled Caste and was accordingly promoted vide order dated 13.6.91 in consultation with the U.P.S.C. (page 48 of the paper book) Sh.Vijay Kumar, Assistant Labour Commissioner who



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is at serial No.7 of the seniority list for Assistant Labour Commissioner had filed OA No.1056/91 at the Principal Bench which was decided on 9-2-93 with the following directions:-

" Accordingly, we dispose of the present application with the direction to the respondents to take steps to convene a review DPC for considering the case of the applicant for promotion to the vacancy in the post of Deputy Labour Commissioner which had occurred in the year, 1987 in case the applicant is found suitable for promotion, he shall be promoted as Deputy Labour Commissioner with effect from the due date with all consequential benefits".

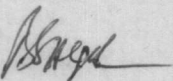
The Review D.P.C. was to be convened by the respondents forth-coming steps to consider the case of the applicant for promotion to the post of Deputy Labour Commissioner against the vacancy that arose in 1987. Shri Vijay Kumar petitioner in OA 1056/91 is a General Candidate. The review DPC was held on 16.8.1993. The outcome of the DPC is not yet available. It is contended by the petitioner that 1987 vacancy comes on the roster point for Scheduled Caste. He is now working on regular basis as Deputy Labour Commissioner on regular basis. He, therefore, apprehends that the proceedings of D.P.C. would affect him adversely. We are however, not persuaded to accept these contentions as all these facts including roster point would come up for consideration of the D.P.C.

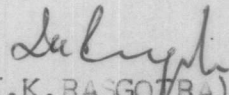
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Be that as it may the petitioner has no cause for grievance at this stage. We, therefore, are not persuaded to interfere in the matter. The petitioner however shall be at liberty to approach to the Tribunal when an order is passed on the basis of the recommendations of the review D.P.C. in accordance with law.

The O.A. is dismissed as above at the admission stage.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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