

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A./~~xxx~~ NO. 2566 /19 93 Decided on : 14.7.98

Sh.G.C.Lal ... Applicant(s)

(~~xxxxxx~~ None ~~xxxxxx~~ Advocate)

versus

Lt.Governor of Delhi & anr. Respondent(s)

(~~xxxx~~ Shri None ~~xxxxxxxxxx~~)

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THE HON'BLE SHRI JUSTICE K.M.AGARWAL, CHAIRMAN
THE HON'BLE SHRI N.SAHU, MEMBER(A)

1. To be referred to the Reporter or not ?
2. Whether to be circulated to other Benches of the Tribunal ?

Km
(K.M.AGARWAL)
CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(8)

O.A. No.2566/93.

NEW DELHI, THIS THE 14th DAY OF JULY, 1999.

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. N.SAHU, MEMBER (A)

Shri G.C.Lal,
s/o Shri B.P.Bedharak
R/o 15/58, Raj Nagar,
Ghaziabad. (U.P)

....Applicant

(None for the applicant)

vs.

1. Lt. Governor
through
Chief Secretary,
Govt. of National Capital Territory
of Delhi,
5, Sham Nath Marg,
Delhi.

2. Union Public Service Commission
through
its Chairman
Dholpur House,
New Delhi.

.... Respondents

(None for the respondents)

ORDER

JUSTICE K.M. AGARWAL:

The applicant claims a direction to the respondents to regularise him "in the cadre of Dy. Drugs Controller in the grade of Rs.3700-5000 w.e.f. 13.12.89".

2.1. The applicant belongs to S.C. community. He was initially appointed as a Drugs Inspector in 1973. In 1982 a vacancy was created in the post of an Asstt. Drugs Controller because of the death of the person holding the post. Reserving the vacancy for S.C. candidate, the Delhi Administration sent a proposal to the UPSC for filling up the vacancy by selecting a candidate in that category by holding a DPC. That was done and the name of the applicant was recommended. On that basis, he was promoted to the

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post of an Asst. Drugs Controller, by-passing his seniors in the general category. This promotion was challenged by one Shri S.L.Sobti in a Civil Writ Petition No.2417/83 before the Delhi High Court, which was transferred to this Tribunal and re-registered as T.A. No.946/85 in the Tribunal. By order dated 15.1.92, the petition was allowed and review DPC was ordered by treating the vacancy to be unreserved and for general category candidates. Review DPC was held in July 1993 for one unreserved vacancy of 1982, and one unreserved vacancy and one reserved vacancy of 1984. S.L. Sobti was selected and recommended for 1982 unreserved vacancy; whereas for the unreserved vacancy of 1984, one Shri V.B. Bajpai and for the reserved vacancy of 1984, the applicant were recommended.

2.2. During the pendency of T.A.No.946/85, the applicant was further promoted to the post of Dy. Drugs Controller by order dated 13.12.89. Needless to say that the said Shri S.L.Sobti and Shri V.B. Bajpai had also been promoted as Asstt. Drugs Controllers and then as Dy. Drugs Controller during the pendency of the said T.A., but subsequent to the dates of applicant's promotion as Asstt. Drugs Controller and as Dy. Drugs Controller.

2.3. Consequent to the result of review DPC, the seniority of the applicant in the cadre of Asstt. Drugs Controller went below the names of Shri S.L.Sobti and Shri V.B. Bajpai and accordingly the dates of his promotion and seniority in the cadre of Dy. Drugs Controller were also altered.

2.4. The aforesaid alteration of the date of applicant's promotion to the post of Dy. Drugs Controller is the subject matter challenged in this O.A.

3. After hearing the arguments and perusing the record, we are of the view that alteration of the year of ~~In~~ selection of the applicant for the post of an Asstt. Drugs

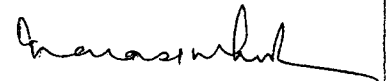
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Controller and the consequent change of the date of his further promotion to the post of Dy. Drugs Controller were as a result of the review DPC held in the year 1993 pursuant to the directions made by this Tribunal in T.A. No.946/85, decided on 15.1.92 and, therefore, the relief claimed by the applicant in this O.A. is misconceived and untenable.

4. In the result, this O.A. fails and accordingly it is hereby dismissed, but without any order as to costs.



(K.M. AGARWAL)
CHAIRMAN



(N.SAHU)
MEMBER (A)