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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No.284/93

New Delhi this the 18 Day of September, 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman  
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri G.S.Chauhan  
s/o late Shri K.S.Chauhan  
r/o 34-Q, Bindal Marg  
Dehradun - 248 001.

... Applicant

(By Shri Ashok Aggarwal, Advocate)

Vs.

1. Council of Scientific &  
Industrial Research  
through Director General  
Rafi Marg  
New Delhi - 110 001.
  2. Shri S.A.Tahir, S.P.A.  
IICT  
Hyderabad.
  3. Shri Nogen Neog  
S.P.A.  
Regional Research Laboratory  
Jorhat - 785 006 (Assam).
  4. Shri B.K.Kalita  
S.P.A.  
Regional Research Laboratory  
Jorhat - 785 006 (Assam).
  5. Shri M.U.Shaikh  
S.P.A.  
Central Salt & Marine Chemicals  
Research Institute  
Gijubhai Bedeka Marg  
Bhavanagar 364 002.
  6. Shri Mukesh Khanna  
Sr. Stenographer  
Indian National Scientific Documentation  
Centre  
14, Satsang Cihar Marg  
Off S.J.S. Sansanwal Marg  
Special Institutional Area  
New Delhi - 110 067.
  7. Shri Gopal Chand  
Asstt. (F&A)  
Central Road Research Institute  
P.O.CCRI  
New Delhi - 110 020.
- Dr

8. Shri R.C.Wase  
Sr. Stenographer  
National Environmental Engineering  
Research Institute  
Nehru Marg  
Nagpur - 440 020.

... Respondents

(By Shri V.K.Rao, Advocate)

O R D E R

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

The applicant joined the service of the Council of Scientific and Industrial Research (CSIR) in 1969 and was promoted as Stores Supervisor/Purchase Assistant on 1.9.1980. The pay scale of the post was Rs. 425-700 but was then revised to Rs. 1400-2300 w.e.f. 1.1.1986 and Rs. 1400-2600 w.e.f. 1.5.1987. The applicant was appointed on ad hoc basis as Deputy Stores and Purchase Officer in the pay scale of Rs. 2000-3500 w.e.f. 17.12.1991 in the Institute of Petroleum, Dehra Dun, a constituent of CSIR. The recruitment rules for the post of Deputy Stores and Purchase Officer provided for a departmental competitive examination to fill up 1/3rd of the posts. Those officials in the feeder cadre who had rendered not less than 3 years in the grade of Rs. 1640-2900 or a combined service of 5 years in the grade of Rs. 1640-2900 and Rs. 1400-2600 could take the limited departmental competitive examination. The respondent No. 1 vide letter dated 3.5.1991 invited applications for the limited departmental examination. An application was submitted by the applicant through his Administrative Officer on the basis that since 1.5.1987 he had been working in the Grade of Rs. 1400-2600. The examination was ultimately held on 8.2.1992. The applicant was however not allowed to appear in the said examination. Thereafter the applicant filed an OA No.

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1006/92. This was disposed of by an order dated 23.4.1992 recording the statement of the counsel for the official respondents that there had been some mistake which led to the rejection of the applicant's candidature for the examination. On that basis since another competitive examination was due shortly it was stated at the Bar that the applicant would be allowed to have a chance in the said examination and till the result of the same is declared he will not be reverted from his post of Deputy Stores and Purchase Officer. On that understanding and the statement made by the respondents' counsel the OA was disposed of as having become infructuous. It is in this background that the applicant has now come again before the Tribunal aggrieved by the orders of the respondents by which certain persons who have been impleaded as Respondents 2 to 5 have been appointed by as Deputy Stores and Stores Officer on the basis of the recommendation of the Departmental Promotion Committee, in the promotion quota and respondent Nos. 6 to 8 by order dated 13.1.1993 who have been appointed as Deputy Stores and Purchase Officer on the basis of the Departmental Competitive Examination held on 20/21.8.1992.

2. We have heard the counsel on both sides and have gone through the records. In main two grounds have been argued by the learned counsel by the applicant. Firstly, it is contended that in so far as the Departmental Promotion Committee is concerned, the applicant has been deliberately left out from the panel as the Respondents were annoyed by him for filing the earlier O.A. No. 1606/92 which led to highlighting

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their inefficiency in open court. Secondly, it was pointed out that the applicant was not considered by Departmental Promotion Committee which met on 24.7.1992 even though in the earlier two Departmental Promotion Committees the applicant had been duly considered. The non consideration of the applicant by the Departmental Promotion Committee has resulted, it is argued, in the applicant being deprived of his right. As will be seen in the succeeding paragraph, we are unable to find any merit whatsoever in either of these two contentions.

3. In so far as the limited Departmental Examination is concerned, it has been urged on behalf of the applicant that his failure is on account of malice on the part of the respondents. The only basis for such an assumption is that the applicant by coming to the Tribunal in the earlier OA had forced the respondents to admit their mistake and they therefore felt humiliated and were out to take revenge. We find from the perusal of the order of the Tribunal that the respondents had not only very fairly conceded their mistake but had gone further not only to allow the applicant to sit in the next test but also to ensure that he was not reverted till the result was announced. The applicant duly participated in the test. Just because he did not make the grade, he cannot now turn around and question the validity of the test. There is no specific allegation as to how and in what manner the applicant was made to fail the test. In these circumstances the allegation of the applicant regarding malafide on the part of the respondents is in our view baseless.

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4. It is true that the applicant's name had been considered in the earlier DPCs but was not taken up in the impugned DPC held in July 1992. The explanation of the respondents is that the zone of consideration is determined by the number of vacancies available. Since at the time of earlier DPCs the number of vacancies was very large the applicant's name also figured in the zone of consideration. However, as the number of vacancies available in the latest DPCs was only 3, the applicant's name was not reached in the seniority list. There is no rebuttal on the part of the applicant of this submission nor of the fact that all the three persons who have been selected i.e., respondents 2 to 5 are senior to the applicant. Mere consideration of a name by one DPC does not imply that the same name has to be considered again in the future DPC irrespective of the number of vacancies and the resultant zone of consideration. This plea of the applicant, therefore, is also without any foundation.

5. In the result the OA fails and is dismissed.  
There is no order as to costs.



(K.M. Agarwal)  
Chairman



(R.K. Ahuja)  
Member(A)

\*Mittal\*