

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

O.A.No. 1090/1996

Dated : This the 28th day of January, 2004

HON'BLE MR. JUSTICE S.R.SINGH, VICE-CHAIRMAN
HON'BLE MR. D.R.TIWARI, MEMBER(A)

Daya Shanker Ram, S/o Late Ram Kumar,
Working as Upper Division Clerk in the
Office of General Manager, Govt. of
India, Opium and Alkaloid Works,
Ghazipur.

....Applicant

By Advocate :- Shri Anand Kumar

Versus

1. Union of India through Narcotics Commissioner
of India, Central Bureau of Narcotics, 19-Mall
Road, Morar, Gwalior-6, Madhya Pradesh.
2. Deputy Narcotics Commissioner,
Neemach, Kota, Lucknow.
3. General Manager,
Government of India,
Opium and Alkaloid
Works, Ghazipur.

....Respondents.

By Advocate :- Km. Sadhna Srivastava

O R D E R

By Hon'ble Mr. Justice S.R.Singh, Vice-Chairman

The applicant herein was initially appointed as
Lower Division Clerk and was promoted to the Grade of
Upper Division Clerk on 24.09.1990 by the 1990 D.P.C.,
but he declined to accept the offer of promotion vide
his application dated 08.10.1990 whereupon he was
debarred from promotion for a period of one year from

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08.10.1990 or till the occurrence of next vacancy which ever is later, in accordance with the instruction contained in Government of India, Ministry of Home Affairs Department of Personnel & A.R., New Delhi's letter F.No.22034/3/81 Estt.(D) dated 01.10.1981. The applicant was given consideration for promotion to the post of Sub-Inspector by DPC held in November, 1990 but he could not be selected for promotion to the post of Sub Inspector, which was based on merit. The applicant could not secure a position for promotion to the grade of Sub Inspector. He was also considered for promotion to the Grade of UDC by 1992-93 DPC which was held on 4-5.11.1993 but he could not be promoted for want of requisite number of vacancies in the UDC grade. The applicant was then considered by 1993 DPC when he was found fit for the promotion to the grade of UDC. The applicant had earlier filed an Original Application which was disposed of within a direction to the competent authority to decide the representation dated 16.10.1992 alongwith other representation filed by the applicant. By office memorandum dated 18.7.1994(Annexure-A-5), the representation was rejected. The said order, which is contained in the letter dated 29.9.1995(Annexure-A-II), has not been challenged herein. The order dated 29.09.1995 whereby the applicant's representation seeking promotion to the Grade of Sub-Inspector from UDC has been rejected shows that there was no channel for promotion to the Grade of S.I. from U.D.C. The learned counsel for the applicant has not been able to point out any infirmity and illegality in the order dated 29.09.1995.

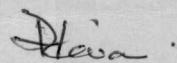
2. Shri S.Ram, learned counsel representing the applicant then submits that his position in seniority list has not been correctly assigned. The submission

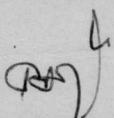
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made by the counsel cannot be countenanced in as much as in 1991 the applicant was considered for promotion to the post of Sub Inspector alongwith his juniors since seelection to the post of Sub Inspector is made on the basis of merit, no exception can be taken if the applicant was not found fit for promotion earlier and his juniors having been promoted on merit acquired higher position in the seniority list. The learned counsel for the applicant has not been able to point out any mistake in the impugned seniority list (Annexure-A I).

3. Shri S.Ram, counsel for the applicant then submits that since he was considered by the DPC in the year 1990 for promotion to the post of UDC and placed in the panel the benefit whereof should be given to him. The submission made by the counsel cannot be accepted. The panel prepared in the year 1990 stood exhausted and the applicant subsequently considered for promotion but he could secure higher position in the merit and could not get promotion because of lack of sufficient number of vacancies in the post of UDC. The applicant cannot, therefore, claim benefit of the panel prepared for promotion in the year 1990.

4. The O.A. is devoid of merit and is accordingly dismissed with no order as to costs.


Member A


Vice-Chairman

Brijesh/-