

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

ORIGINAL APPLICATION NO. 765 OF 2004

THIS THE 21<sup>ST</sup> DAY OF FEBRUARY, 2005.

HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN

HON'BLE MR. S.C. CHAUBE, MEMBER (A)

Raj Narain ,  
S/o Sri Raghunandan,  
R/o F-519, Bara-8,  
Kanpur Nagar.

.....Applicant.

By Advocate: Sri B.K. Srivastava & D. Srivastava

Versus

1. Union of India, through Secretary, Ministry  
Of Finance, New Delhi.
2. Commissioner, Customs & Central Excise,  
SarvodayaNagar, Kanpur Nagar.
3. Additional Commissioner (P&B), Central Excise,  
Sarvodaya Nagar, Kanpur Nagar.

.....Respondents.

By Advocate: Sri Saumitra Singh

ORDER ( ORAL )

JUSTICE S.R. SINGH, V.C.

The applicant, <sup>2</sup>a canteen bearer, was provisionally permitted, vide order dated 28.10.2003 <sup>le 2</sup>who appeared <sup>2</sup>in the departmental examination for promotion of grade 'D' to the grade of Lower Division Clerk 'subject to receipt of affirmative clarification from the Ministry.'

*Raj*



2. In paragraph 10 of the CA it has been asserted that the Ministry vide their letter F.No. A-34011/18/03-Ad.III A dated 31.12.2003 has clarified as under:-

"The matter has been examined and it is informed that it is not possible to permit Canteen Bearers to appear for the departmental examination for promotion to the post of L.D.C as per provisions of Recruitment Rules for group 'D' posts, Canteen Bearers are not feeder cadre for promotion to the post of Sepoy and Hawaldars."

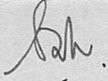
3. It is further averred in para 10 of the CA that the applicant was accordingly informed and his provisional candidature for appearing in the said departmental examination was canceled vide the Commissionerate's letter date 09.02.2004. The applicant's representation, it is alleged in para 13 of the CA, has been disposed of vide Commissionerate's letter dated 21.05.2004 holding that the Canteen Bearers do not constitute the feeder cadre for promotion to the post of Sepoys and Hawaldars .

4. In the circumstances, we find no ground to set aside the order dated 28.10.2003 whereby the applicant was permitted provisionally to appear in the departmental examination for the post of LDC and the OA is liable to <sup>be</sup> dismissed without prejudice to the
- Per [Signature]



right of the applicant to challenge the legality of the orders dated 09.02.2004 and 21.05.2004, if so advised.

5. The OA is accordingly dismissed subject to above terms.

  
MEMBER-A.

  
VICE-CHAIRMAN

GIRISH/