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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

D.A. No. 422 of 1986

Nand Kishore Joshi : : : : : Applicant

vs.

Union of India &
Others. : : : : Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who is a graduate and holds Post-Graduate Diploma in Journalism, was appointed as helper in the year 1975 in the office of the Superintending Engineer, Door Darshan Kendra, Lucknow. Although he has completed 11 years of service he was not promoted to the higher grade while the other persons, who are juniors to him, have been promoted, whose names have been given in the petition. Though the applicant was more qualified than them his representation did not bring any result and because of his representation he has been transferred to Kanpur Kendra vide order dated 1-4-1986. This transfer order has been challenged on a variety of grounds, including family difficulties, inability to meet expenses, etc. He has also prayed for promotion to the higher post. No interim order was granted in his case. Transfer orders are passed in exigency of the situation. The case as stated by the applicant or controverted by the respondents does not make out any case of malafide or any deliberate attempt on the part of the respondents to transfer the applicant. As a matter of fact the respondents have stated that

they have given the reasons as to why the applicant has been transferred.

2. So far as giving promotion is concerned, it has been stated that the helpers who were successful in the test and interview were appointed as a fresh appointee irrespective of their seniority. The departmental candidates possessing the requisite qualifications have to compete with outside candidates in the open competition and the applicant could not appear to compete and that is why he was not promoted and others were promoted. There appears to be no ground to interfere with the transfer order and accordingly relief has got to be rejected.

3. So far as the promotion is concerned, as the applicant has completed several years service, in case the applicant fulfills the requisite conditions and is still to work he was directed that there is no reason why his case for promotion like any other person shall not be considered. In case there is no channel of promotion, and if he is entitled for higher post by way of competition, he will also get promotion. The respondent should not deprive him of the opportunity to compete with others in case he is not ineligible for the same. The application stands disposed of, in the above terms. No order as to the costs.

R. Bhambhani
Member (A)

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ViceChairman

Dated: 24/3/93, Allahabad.

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