

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

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Registration T.A No.392 of 1986.

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Shri.Raj Pal Singh ..... Applicant.

Versus.

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

Hon'ble G.S.Sharma,J.M.  
Hon'ble K.J.Raman,A.M.

(By Hon.K.J.Raman.A.M.)

1. This is a suit originally filed in the Court of Munsif, Aligarh in 1983, since transferred to this Tribunal under section-29 of the Administrative Tribunals Act,1985. The plaintiff was working as Compositor Grade-II in the Government of India Press, Aligarh at the time of institution of the suit. His grievance is that he was not promoted as Compositor Grade-I, the next higher grade, though he had passed the trade test in 1970 and was senior in the Grade-II, while two of his juniors, namely s/Shri.Mohmad Basir and Prem Pal Singh, have been promoted to Grade-I with effect from 1.1.83,by an order dated 4.1.83 of respondent No.3(Manager, Government of India Press,Aligarh). The plaintiff states that under the rules Grade-I posts are to be filled 100% by promotion on the basis of Trade Test and strictly in order of seniority among Compositors Grade-II. It is alleged that for the reasons best known to the defendant No.3, in order to give undue preference to his favourites for ulterior motives, the applicant's juniors have been promoted ignoring the applicant. It is claimed that the plaintiff was legally entitled for promotion with effect from 1.1.83 when his juniors were promoted. The main reliefs claimed were:-

(a) decree of permanent prohibitory injunction restraining the defendants " from issuing any memo of promotion granting its salary of Grade-I in favour of any persons junior to the plaintiff for their in future promotions in Compositor Grade-Ist from the Compositor Grade-IIInd but

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to fill up the vacancies in Grade-Ist by promotions on the basis of seniority and their length of service in Grade-II<sup>nd</sup>.

(a.a) decree of mandatory injunction directing the defendants to promote the plaintiff as Compositor Grade-I and pay arrears of his salary w.e.f. 1.1.83.

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2. On 11.8.83, the Trial Court passed an order that the parties shall maintain the status quo till the suit is decided.

3. In the written statements filed on behalf of the respondents, it is averred that under the rules, a Compositor, Grade-II is eligible for promotion if he completes three years of service in the grade, qualifies in the Trade Test and is recommended for promotion by the Departmental Promotion Committee. It is further submitted that Shri. Mohammad Basir and Shri. Prem Pal Singh who were junior to the plaintiff were promoted as they had the requisite qualifications and they were duly recommended by the Departmental Promotion Committee, whereas the plaintiff was not found fit for promotion by the D.P.C. In the Departmental Promotion meeting of 1970, the name of the plaintiff was also empanelled, 1972 but he could not be promoted due to non-availability of vacancy. In the D.P.C. held on 28.11.82, the plaintiff was not considered to be fit for promotion. It is denied by the defendants that there was any prejudice, ulterior motive or ill-will towards the plaintiff as wrongly alleged by the letter.

4. On an application made by learned counsel for the respondents on 19.8.88, the earlier order dated 11.8.83 referred to above was modified by this Tribunal to the effect that the said order dated 11.8.83 shall not be deemed to be in operation after 15.6.88 on which date the plaintiff retired on superannuation.

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5. During the final hearing on 27.1.89, learned counsel for both the sides argued their cases reiterating their position as stated earlier. The only point to be considered in this case is whether the non-promotion of the Plaintiff/Applicant by the order dated 4.1.83, while promoting two of his juniors, is legal and proper. It is admitted by the respondents that the applicant was senior and had qualified in the Trade Test, as also his juniors in question. But, the respondents state that the D.P.C of 1982, after considering the applicant had not found him fit for promotion. The applicant has not questioned the bona-fides of the D.P.C proceedings or findings. Though he was made vague allegations of prejudice, ulterior motive and favouritism against respondent No.3, no basis therefore whatever has been indicated. No mala fides or arbitrariness has been shown or even alleged to exist, questioning the findings of the Departmental promotion Committee. As the applicant was not found fit for promotion by the D.P.C, his non-promotion can not, in the circumstances, be faulted.

6. In the circumstances, there are no grounds for interference by this Tribunal in this case, which is accordingly dismissed. There will be no order as to costs.

*W.M.Chinnayya*  
Member (A)

*S.Saravanan*  
Member (J)

Dated: 22<sup>nd</sup> February, 1989.  
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