

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

TA No. 767 of 1986

Shri Chandu Lal

... Applicant/Plaintiff

Versus

Union of India & Others

... Respondents

The Hon'ble Justice Mr. K. Nath, Vice-Chairman

The Hon'ble Mr. I.K. Rasgotra, Member (A)

(By Hon'ble Mr. I.K. Rasgotra, Member (A))

Suit No.855/82 filed by Shri Chandu Lal was transferred from the Court of Munsif No.9, Jhansi on 11.9.1986 to the Central Administrative Tribunal under Section 29 of the Administrative Tribunals Act, 1985 and was registered as TA-767/86.

The short matter for consideration relates to stepping up of the pay of Shri Chandu Lal, Assistant Mechanical Foreman (A.M.F.) with reference to the pay drawn by his juniors. Shri Chandu Lal, A.M.F., Central Railway, Bombay retired from service on 1.2.1982 in the pay scale of Rs.550-750 (pre-revised). The applicant contends that he was senior to S/Shri B.D. Desh Pandy, Radhey Shyam Sharma, Hari Har Rao, H.L. Kumar and R.K. Bose and that they could not have been legally promoted to the post of A.M.F. prior to the promotion of the applicant to that post on 1.2.1976. The post of A.M.F. is a non-selection post and promotions are made on the basis of seniority-cum-suitability. The applicant/plaintiff maintains that his juniors had been promoted to the post of A.F.M. on different dates from 4.4.1975 to 29.5.1980, ignoring his claim and consequently his juniors further got promoted to the posts carrying a scale of pay upto Rs.900/-. His main claim is against Shri Desh Pandy who was first promoted on 4.4.1975 to the post of A.M.F. - the post claimed by the applicant.

...2

2. The respondents in their written statement have not disputed the facts of the case. They have, however, submitted that the applicant was considered for promotion but not found suitable for the post of A.M.F. They have further submitted that although the post of A.M.F. is a non-selection post in Class-III, nonetheless, a non-suitable person cannot be promoted to the post. The case of the applicant was considered by the respondents but due to his unsuitability he was superseded. His unsuitability was not only determined by one officer but by different officers.

3. We have heard the learned counsel of both the parties and considered the record carefully. The promotion cannot be granted as a matter of right even to a non-selection post. A committee of officers goes through the records of service of the eligible officers in accordance with the prescribed procedure with a view to assess the overall performance, capability and potential of the officer for holding a higher grade post suitably is an essential ingredient for promotion along with seniority. Obviously, the officer would not be considered suitable for promotion if his performance as reflected in the service record does not support his claim. We, therefore, do not find any justification for interfering with the case. The application is, accordingly, dismissed with no order as to costs.

S. A. Lyth
Member (A) 6/1/90

J. R.
Vice-Chairman

'SKK' December 6, 1990.

Allahabad.