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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration No. 471 of 1987

Atma Ram Applicant.

Versus

Executive Director, Nuclear Power
Board and others Respondents.

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

Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant was working in the Narora Atomic Power Project, Narora District Bulandshahar as Scientific Assistant in the year 1982. He was transferred elsewhere. The applicant was at Serial No. 19 in the seniority list. The grievance of the applicant is that whereas the persons at Serial Nos. 20, 22 and 23 on the seniority list have been promoted on the post of Scientific Assistant 'C' (S.A.C.) , the applicant has been omitted from being promoted although, the employee at Serial no. 21 has left the service. The applicant made a complaint against the same by filing an application on 19.10.1986 . On his application dated 19.10.1986, following order was passed;

"We have gone through the promotion norms and Sri Atmaram is not fulfilling the same. Hence his case has not been considered for the next grade."

The applicant made further representation against the same but he did not succeed against the same that is why he has approached the Tribunal.

2. The application of the applicant has been opposed by the respondents who have stated that it

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is a selection post and certain norms have ^{been} laid down, and it was found from the perusal of the relevant records that he did not fulfil the requisite norms and that is why he was not called for interview. Obviously, when the juniors were called for interview the applicant has also ^{being} right for ~~consideration~~ for interview, but he was not considered. ~~After considering his interview, his character roll was also looked into along with others at the time of interview and even thereafter. only its cumulative result.~~ The interview result and records would have been established whether he was fit for promotion to the higher grade or not in preference to his juniors, but this process was not adopted and the applicant's ^{record &} result was perused and on the basis of that the authorities have concluded that he did not put in the norms and as such he is not entitled to be called for interview.

3. On behalf of the respondents, it was ^{further} contended that the applicant cannot be interviewed because he has already been transferred and no longer at Narora. May be so, but the department is the same and is governed by the head of the department or one who ^{is} incharge. It is clear that merely ^{transfer} of a person from one unit to another would not ^{let him} lose the chance of his promotion, and ^{thus} have right and ^{can} claim ^{for} against the same.

4. Accordingly this objection of the respondents has no force. This application is allowed and the respondents are directed to consider the claim of the applicant after interviewing him and convened a ~~fresh~~ ¹ review D.P.C. within 3 months for the promotional post to the next higher grade. In case the applicant is found successful, there appears to be no reason

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why he has not been promoted and if a mistake has been committed, the respondents themselves will rectify the mistake and give him promotion from the date, may be notional, from which date he may be found entitled to. The application is disposed of with the above terms. Parties to bear their own costs.

Member (A)

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Vice-Chairman

Dated : 5.12.1991

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