

(11) (12/1)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD.

Allahabad this the 23rd day of Jan, 1996.

Original Application No. 878 of 1988.

Hon'ble Mr. T.L. Verma, JM  
Hon'ble Mr. D.S. Baweja, AM

T.S. Chauhan, S/o Late Shri  
Shitla Prasad Singh, Address  
for notices Foreman, Controll-  
erate of Quality Assurance,  
Textile & Clothing, Post Box  
No. 294, Napier Road, Kanpur.

..... Applicant.

C/A Sri Rakesh Verma

Versus

Union of India through the  
Secretary, M/o Defence, Depart-  
ment of Defence Production, Dire-  
ctorate General of Quality Assu-  
rance, D.H.Q. Post Office, New  
Delhi and others.

..... Respondents.

C/R Sri N.B. Singh

O R D E R

Hon'ble Mr. T.L. Verma, JM

This application under Section 19 of the Administrative Tribunal Act has been filed for quashing order dated 15.3.88 superceding the claim of the applicant and promoting Sh. Ramakrishnan and Sh. S.K. Jain as Junior Scientific Officer and for issuing a direction to the respondent to promote the applicant as Junior Scientific Officer with effect from the date his juniors have been promoted with all consequen-  
tial benefits.

2. The applicant was appointed as Foreman in 1977 and was posted in Controllerate of Quality Assurance, Textile and Clothing Kanpur. He became due for promotion on the

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(12) (B1/2)

post of Junior Scientific Officer in 1985, which is non selection post. It is stated that the respondents promoted Sh. T.R. Kutti as Junior Scientific Officer by-passing the claim of the applicant for promotion to the said post. The applicant, however, did not challenge the aforesaid promotion. Again in 1988 some more promotions were made by order dated 15.3.88 by the Director General whereby S/Sh. Ramakrishnan, S.K. Jain and V.K. Saxena have been promoted as Junior Scientific Officer. The applicant has challenged the promotion of Sh. Ramakrishnan and Sh. S.K. Jain on the ground that they are junior to the applicant and promotion to the post in terms of extant rules should have been made on the basis of seniority/fitness. It is stated that the applicant has not been communicated any adverse entry in his ACRs and as such he has not reason to believe that his record of service is not good. Therefore, there was absolutely no reason for superceding him in the matter of promotion. In addition to the above, it is alleged, that some Departmental Inquiry initiated against the aforesaid promoted officers. The applicant filed representation on 13.4.88 to the Director General against his supercession. The representation was rejected by impugned order dated 24.5.88, hence this application for the reliefs mentioned above.

3. The respondents have contested the claim of the applicant. In the counter affidavit filed on behalf of the respondent it has been stated that the post of Junior Scientific Officer is a selection post. The applicant was considered for promotion by the Departmental Promotion Committee along with the others, and those who were found eligible for promotion on the basis of the rating as assessed by the Departmental Promotion Committee were promoted.

4. We have heard the learned counsel for the parties and perused the record. The first question that arises for

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consideration is ~~whether~~<sup>As</sup> whether the post of Junior Scientific Officer is a selection post or non selection post. The respondent have filed photocopy of Director General of Inspection (DGI) Organisation (Junior Scientific Officer) Recruitment Rules 1982. According to the schedule appointed to the rules, the post of Junior Scientific Officer is a selection post. In view of the provision of the Service Rules referred to above the only conclusion that can be arrived at is that the said post is a selection post.

5. The learned counsel for the respondent has placed before us the Departmental Promotion Committee proceedings in pursuance of which respondents No. 5 and 6 have been promoted. We have perused the D.P.C. proceedings and find that apparently the D.P.C. has committed no error in rating the respective merit of the officers who were considered for promotion. From the D.P.C. proceedings it further appears that two of the three officers promoted by impugned order of promotion are senior to the applicant and the third who is junior to the applicant has been rated as outstanding. According to the extant rules the panel has to be drawn up ~~to the instant applicant~~ by placing the names of outstanding first followed by officers categorise as very good and followed by officers categorise as good. The two officers who have been categorise as very good are senior to the applicant and the officer who ~~has been~~<sup>has been</sup> junior to applicant, categorise as outstanding. The applicant who has been also rated as "very good", therefore, did not come in merit for promotion to the post of Junior Scientific Officer. Intersee seniority of the officers promoted in the panel has accordingly been assigned.

6. The learned counsel for the applicant urged that the Departmental Proceedings have been initiated against the



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Sh. Ramakrishnan and Sh. S.K. Jain, whereas no such departmental proceedings was pending against the applicant. IN that view of the matter, <sup>it was argued that</sup> the decision of the Departmental Promotion Committee to promote Sh. Ramakrishnan and Sh. S.K. Jain in preference of the applicant was wholly arbitrary. We are unable to persuade ourself to accept this contention. In para 11 of the application it has been averred that departmental inquiry has already been conducted against the work and conduct of all three Foreman promoted by order dated 15.9.68. The above averment has been denied by the respondents in the counter affidavit filed on behalf of the respondent. The allegations made in para 11 of the application are vague and general. There is no mentioned of the date on which the disciplinary proceedings against the respondents is stated to have been initiated. In absence of specific material to show that the disciplinary proceedings had been initiated against the applicant prior to <sup>the</sup> ~~the~~ consideration of their case for promotion by the Departmental Promotion Committee, it is, <sup>not</sup> possible to held that the work and conduct of the respondent No. 5 and 6 was tainted which <sup>an edge</sup> gave ~~and as~~ to the applicant over respondent No. 5 and 6. <sup>in</sup> ~~in~~ promotion.

7. On careful consideration of the facts and circumstances disclosed above, we find that the representation of the applicant has rightly been rejected.

8. In view of the above we find no merit in the application and the same is dismissed. No order as to costs.

*Arvind*  
Member - A

*Sharma*  
Member - J

Arvind.