

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1332 of 1999

Allahabad this the 24th day of January, 2005

Hon'ble Mr. Justice P. Shanmugam, V.C.  
Hon'ble Mr. S.C. Chaube, Member (A)

Khushi Lal Kureel, S/o Late Pachha Lal Kureel, aged about 41 years, residence of G-1598, Awas Vikas Kalyanpur Kanpur Nagar, Kanpur.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur.
2. Union of India, through Secretary, Ministry of Agriculture, Government of India, New Delhi.

Respondents

By Advocate Shri Vinod Swarup

O R D E R (Oral)

By Hon'ble Mr. Justice P. Shanmugam, V.C.

The prayer of the applicant is as follows:-

"(i) to direct the respondents to hold selection for promotion on the vacant post of Technical Assistant Gr. I as early as possible and to provide chance to the applicant also to participate in the said selection and to consider him for promotion on the reserved post of Technical Assistant Grade I, without being prejudiced from filing of this case. It is further prayed if applicant is found selected he may be promoted as Technical Assistant Grade I with all consequential benefits."

2. The applicant was appointed as Supporting Staff Grade I in the pay scale of Rs.750-940/- on 18.10.89. Further promotion to the post of Technical Assistant Grade I were made in the year 1996. The applicant could



not be accommodated in that selection since his senior was found fit for promotion. After 1996, there was no promotion for the post of S.S. Grade I. The grievance of the applicant is that there are vacancies to the said post but the department has not taken steps to fill up the post and thereby his right for consideration to the post of S.S. Grade I is denied.

3. The department has taken up a clear stand that Management is the best judge to organise and to decide that the vacancies should be filled up or not. They are also stating that though the applicant is qualified for the said post, unless a decision is taken to fill up the post and process is initiated for the said purpose, the applicant cannot have any legal right to consideration.

4. We find much force in the submission made on the side of the respondents as we see from the fact that selection to S.S. Grade I was made in the year 1996 through D.P.C. and out of 3 vacancies, one is filled from reserved category, and two were filled from general category, and it is true that thereafter there <sup>was</sup> no holding ~~of~~ D.P.C. for filling up the vacancy. <sup>Assuming</sup> ~~Having~~ assumption that there are vacancies for S.S. Grade I post, it is not for the Court to direct ~~the~~ respondents to fill up the vacancy. We find that <sup>The</sup> Department is best Judge to decide whether the vacancy should be filled up or not. It is incidently pointed out that in case of lack of promotion opportunity, the A.C.P. scheme is in operation for such of those cases, and ~~the~~ petitioner <sup>is</sup> ~~will be~~ at liberty to make representation for grant of A.C.P. Scheme.

5. For the above reasons, we find no ground to grant relief to the applicant. Accordingly, O.A. is dismissed.