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IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No. 449 OF 1989.

~~Ex-A-Nex~~

DATE OF DECISION 31.7.1992.

M.J. Prajapati, Petitioner

Mr. C.T. Maniar, Advocate for the Petitioner(s)

Versus

Union of India, Respondent s

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

M.J. Prajapati,
Survey Assistant
No.87 Party (WC)
G.I.D.C. Commercial Building
Makarpura, Baroda.

.... Applicant.

(Advocate:Mr.C.T.Maniar)

Versus.

1. The Director
Survey of India
Western Circle
Geegad House,
Civil Lane,
Jaipur - 6.

2. Officer-in-Charge
No.87 Party (WC)
Survey of India
G.I.D.C. Commercial Building
Makarpura, Baroda. Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 449 OF 1989

Date: 31.7.1992.

Per: Hon'ble Mr. N.V.Krishnan, Vice Chairman,

The applicant was, at the relevant, time working as a Survey Assistant in the pay scale 1440-2600 in the Survey of India, Western Circle, under the second respondent, the Officer-in-charge of Party No. 87, Western Circle. His grievance arises out of the Annexure A-4 order dated 25.9.89 of the second respondent relating to the disposition of technical personnel and is against the disposition of Shri B.N. Patel, Survey Assistant, who is admittedly his junior, as the Camp Officer of Camp No.2 at Jerdan with effect from 21.10.89, because he, a senior person, has been kept only as a Survey Assistant in Camp No.1 at Ribda

under Camp Officer Shri B.D.Patel. As a representation made by him on 7.10.89 (Ann.A-6) was not answered, he filed this application on 16.10.1989 impugning the Annexure A-4 order on the ground that this amounts to superceeding him in the matter of promotion. He has prayed as follows:-

"The applicant prays that the application be allowed with cost setting aside the impugned order at Annexure A-4 so far as it promotes Shri Patel instead of the applicant and direct the respondents to act according to law by promoting and posting as the Camp Officer".

2. The respondents No. 1, 2 & 3 are the official respondents-Department for short- and they have filed a reply contesting this application and contending that the applicant is not entitled to any relief for the simple reason that the appointment of any person as a Camp Officer does not amount to a promotion Shri B.N. Patel, the 4th respondent as though noticed did not file a reply.

3. When the matter came up for final hearing, we requested the learned counsel for the applicant to convince us, on the basis of the Recruitment Rules, that the post or charge of Camp Officer is in the direct line of promotion from the post of Survey Assistant and that a procedure for such promotion has been prescribed. He was also requested to produce, in the alternative, instructions, if any, which require that the Camp Officers assignment should be given to

Senior Assistant only on the basis of the seniority.

4. The learned counsel for the applicant was unable to satisfy us on either score.

5. The Camps of the Survey parties include a group of persons, as can be seen from the Annexure A-4 order. Mr. B.N.Patel, 4th respondent was chosen to be the Camp Officer of Camp No.II at Jasdan, Taluka Town near Rajkot consisting of 8 other persons. The applicant is not one of them. Similarly Shri B.D.Patel was made Camp Officer of Camp No.1 at Ribda which is also another town in the same at the distance of about 20 KM from Jasdan. His team has 9 other members, including the applicant.

6. The Department has to be select a group leader for each Camp (designated as Camp Officer) and it is on that consideration that the respondent No.4 has been chosen as Camp Officer. It is stated in the reply of the Department that the camp leaders assignment is given on the basis of seniority-cum-suitability and not on the basis of seniority alone. Though respondent No.4 is junior to the applicant, he has been found to be more competent. Hence he was given this assignment in a Camp in which the applicant is not a member.

7. We, therefore, find that this is not a case of supersession in promotion. It is a case assignment of work on the basis of seniority subject to suitability and the respondent No.4 has been found

to be more suitable. The applicant has not given any
sound u
ground as to why this assessment is not secured.

8. In view of arguments adduced before us we are satisfied that the appointment of the 4th respondent as Camp Officer is not a promotion and therefore the applicant is not entitled to the relief asked for.

9. In the circumstances, this application is dismissed. No order as to costs.

rcb

(R.C.Bhatt)
Member (J)

nvk
31.7.82

(N.V.Krishnan)
Vice Chairman

vtc.