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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.334 of 1989

Date of Decision 15.7.1992

Raghunath Sahoo

Applicant

Versus

Union of India and others

Respondents

For the applicant

Mr.D.P.Dhalasamant,  
Advocate

For the respondents

1 to 3

..

Mr.P.N.Mohapatra, Additional  
Standing Counsel (Central)

For the respondent No.4

Mr.R.B.Mohapatra,  
Advocate

...

C O R A M

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMN)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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For the applicant ... Mr.D.P.Dhalsamant, Advocate.

For the respondents

1 to 3 .. Mr.P.N.Mohapatra,  
Addl. Standing Counsel(Central)

For the respondent No.4. Mr.R.B.Mohapatra, Advocate.

C O R A M :

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMN.)

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JUDGMENT

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to declare the applicant to have been promoted to the post of Mechanic cum Electrician with retrospective effect from the date on which his juniors have been promoted.

2. Shortly stated, the case of the applicant is that he joined as Tractor Driver under Respondent No.3 on 1.8.1968 and has been continuing in service. The posts of Mechanic cum Electrician in the Organisation are to be filled up by promotion or by transfer on deputation or by direct recruitment. The grievance of the applicant is that though there were vacant posts of Mechanic cum Electrician in the years 1984-85, and 1985-86, juniors of the applicant were promoted superceding the

claim of the applicant. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that in respect of one post for promotion to the post of Mechanic-cum-Electrician the case of the petitioner and Respondent No.4 was considered and there being only one post and that Respondent No.4 having been placed against serial number 1, he (Respondent No.4) was promoted. In such circumstances, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr.D.P.Dhalasamant, learned counsel for the applicant, Mr.P.N.Mohapatra, learned Additional Standing Counsel (Central) for the respondents 1 to 3 and Mr.R.B.Mohapatra, learned counsel for the respondent no.4 in full.

5. On a perusal of the pleadings put forth in the petition filed by the applicant, it appears to us that he has no grievance in respect of promotion, if any, done in 1984-95, because his junior who was promoted has not been arrayed as one of the respondents and therefore, in his absence we cannot pass a decree in favour of the applicant. So far as the promotion given to Respondent No.4 1985-86, is concerned, according to the respondents the cases of the applicant and that of the Respondent No. 4 were considered and the post in question was a selection post and Departmental Promotion Committee placed the Respondent No.4 against Serial Number.1 and therefore the respondent no.4 was promoted. We find no reason to

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reject this statement of the opposite parties. Law is well settled that nobody has right to claim promotion though he has a right to urge that.- his case must be considered. This settled position of law was rightly and fairly not disputed at the Bar. There is no allegation of mala fide or bias against the respondents or the members of the Departmental Promotion Committee. In the absence of any case of bias or mala fide, and the cases of the applicant and Respondent No.4 having been considered and respondent No.4 having been found to be more suitable, than the applicant, and respondent no.4 having been given promotion on this ground, there is no scope for this Bench to extend its hand for interference. Hence, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

*U. Sarangi*

MEMBER (ADMINISTRATIVE)

*15/1/1971*  
15/1/1971  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
/Sarangi

