

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 16 of 1990

Date of Decision: 3.11.1992

## Versus

Union of India & Others Respondents

For the applicant

M/s. P. Palit,  
B. Mohanty,  
A. Kanungo  
N. Patra &  
S. K. Mohanty,  
Advocates

### For the respondents

Mr.Ashok Mishra,  
Sr.Standing Counsel  
Central Government

C O R A M:

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

AND

THE HONOURABLE MR. K. J. RAMAN, MEMBER (ADMINISTRATIVE)

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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 ? Yes No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexure-5 and so also the select list prepared by the Departmental Promotion Committee and to give further direction to the opposite parties to convene a special D.P.C. and consider the case of the petitioner for promotion to the next higher post of Assistant Executive Officer.

2. Shortly stated the case of the petitioner is that he was appointed as a L.D.C. in the year 1963 in the Dandakaranya Development Project and in the year 1964, he was promoted to the grade of Steno-cum-Typist and in the year 1966, he was promoted to the <sup>Rank of</sup> Junior Stenographer, Grade-III. In the year 1987, a D.P.C. was convened to consider and select the suitable candidate for the post of Assistant Executive Officer (Junior). The case of the petitioner was not considered and hence promotion was not given. Therefore, this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that no illegality has been committed. The petitioner did not come within the consideration zone and therefore as per the recruitment rules, the case of the petitioner was not rightly considered; and hence there being no merit in the case, the same is liable to be dismissed.

4. We have heard learned counsel for the petitioner and Mr. Ashok Mishra, learned Senior Standing Counsel on

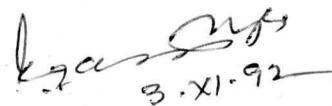
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the merits of the case. We have perused the pleadings and the relevant documents. In the meanwhile the petitioner has been redeployed and according to his own averments, the petitioner is now serving as Investigator in the National Sample Survey, Brodypet, Andhra Pradesh. On a perusal of the different documents and the rules in force, we are of opinion that the petitioner did not come within the consideration zone and therefore rightly he was not considered for promotion. The case being devoid of merit is hereby dismissed. No costs.



MEMBER (ADMINISTRATIVE)


  
3.XI.92

VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 3.11.1992 P. K. Sahoo

