

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.1338 of 1996

Date of Order: 23.3.98.

Present: Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman.  
Hon'ble Mr. S.Dasgupta, Administrative Member.

MALAY KUMAR MAITI

- VS -

UNION OF INDIA & ORS.

For the petitioner: Mr.B.C.Sinha, counsel.

For the respondents: Mr.P.Chatterjee, counsel.

Heard on: 23.3.98.

O R D E R

S.Dasgupta, A.M.

1. We heard the 1d.counsel for the applicant. Mr.P.Chatterjee appeared for the respondents. He also made submissions.

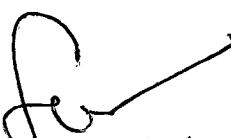
2. Through this application, the applicant is challenging a notification dated 10.10.96 by which 12 persons have been short listed for appearing in a selection test for promotion to the post of CI Gr.II. The applicant is aggrieved by the fact that one Shri Ashoke Kr.Dahare, who belongs to the SC community has also been short-listed for promotion on general seniority basis. His contention is that this person has been getting accelerated promotion conferring benefit of seniority as he belongs to the SC community. His apprehension is that if this person is promoted to Grade II, the interest of the applicant, who is already on such Grade, will be affected. 1d.counsel for the applicant argued that this Ashoke Kr.Dahare is not even eligible to be promoted to C.I. Grade II since his service in lower grade is <sup>on</sup> furtuitous basis, and has been put far above in seniority thereby reducing the chances of promotion of the applicant.

3. We have carefully considered the arguments advanced. Even assuming that there is some irregularity in considering Shri Ashoke Kumar Dahare for being short listed for promotion to the C.I, Grade II, it is not affecting the applicant since he is already on higher grade. In our view, at this stage the present applicant has no locus standi in challenging the promotion of Ashoke Kumar Dahare. If, however, after and Ashoke Kumar Dahare is promoted/subsequently, the interest of the applicant gets affected in C.I. Grade II for purpose of promotion to C.I. Grade I , the applicant may agitate his grievance by filing a proper application.

4. The application is dismissed summarily . Interim Order is accordingly vacated. No order as to costs.



(S. Dasgupta)  
Member (A)



(S.N. Mallick)  
Vice-Chairman.