

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 89/96

Thursday, this the 4th day of March, 1999.

CORAM

HON'BLE MR R.K. AHOOJA, ADMINISTRATIVE MEMBER

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

1. P.R. Pillai, S/o A.K. Pappu Kunju Pillai,
Office Superintendent Grade II,
Office of the Garrison Engineer,
Naval Base, Cochin-4.
2. M. Abraham, S/o Late G. Mathai,
Office Superintendent Grade II,
Office of the Chief Engineer,
Navy, Cochin-4.
3. K. Sivan Nair, S/o Late K. Krishna Pillai,
Office Superintendent Grade II,
Office of the Chief Engineer,
NAVY, Naval Base P.O., Cochin-4.
4. C.P. Philipose, S/o C.K. Pilipose,
Office Superintendent Grade II,
Office of the Chief Engineer,
Navy, Naval Base P.O., Cochin-4.

...Applicants

By Advocate Mr Thampan Thomas.

Vs.

1. Union of India represented
by the Secretary to Government,
Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Headquarters,
Defence Headquarters P.O.,
New Delhi - 110 011.
3. The Chief Engineer, Southern Command,
Pune - 1.
4. The Chief Engineer (Navy),
Naval Base P.O., Cochin- 682 004.
5. The Garrison Engineer, Naval Base P.O.,
Kochi - 682 004.

...Respondents

By Advocate Mr S. Radhakrishnan, ACGSC.

The application having been heard on 4.3.1999, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER


Applicants, Office Superintendents Grade II in the Office of the Garrison Engineer, Naval Base, Cochin, are aggrieved by supersession by their juniors. They submit that while working as Upper Division Clerks, they were considered for promotion to the post of Office Superintendent Grade II which is a selection post. The Departmental Promotion Committee (DPC for short) which met for the year 1985 empanelled applicants 1,2 and 3 and the DPC which met for 1986 empanelled 4th applicant. Though applicants are senior to Shri Sreedharan Pillai and Shri P.K. Karunakaran, applicants were not included in the panel for the post of Office Superintendent Grade II issued on 22.4.1985 and 30.4.1985. That also affected their subsequent promotion as Office Superintendent Grade I for which they were entitled on the basis of seniority. Shri Sreedharan Pillai has retired in the year 1992 but Shri P.K. Karunakaran was promoted as Office Superintendent Grade I by order dated 27.5.93. Had the applicants been included in the panel of Office Superintendent Grade II above Shri P.K. Karunakaran, applicants would also have been promoted as Office Superintendent Grade I along with him. Applicants, therefore, pray for a direction to the respondents to consider their case for promotion as Office Superintendent Grade II with effect from 30.4.85 with consequential benefits from the date on which their juniors Shri Sreedharan/^{Pillai} and Shri P.K. Karunakaran were promoted as Office Superintendent Grade II. They also pray for a declaration that they are eligible for promotion as Grade I Office Superintendent with consequential benefits from 27.5.93 the date on which their junior Shri P.K. Karunakaran was promoted as Office Superintendent Grade I. Applicants have alleged that the xxxxxxxx vacancies

for the years 1985 and 1986 were clubbed together and considered by the DPC and this vitiated the selection. They also submit that the DPC had not taken all material facts into consideration and no proper assessments of the performance of the applicants were made resulting in non-inclusion of the applicants in their proper place in the select list.

2. The respondents have submitted that the selection of Office Superintendent Grade II is based on selection and not on seniority basis. The applicants have not found any place in the select panel because of their grading. The DPC was conducted from 15.12.86 to 19.12.86 for the vacancies available in the years 1985 and 1986 and the select panel was issued by letter dated 23.1.87. All the applicants were considered by the DPC. Respondents also submit that further promotion to Office Superintendent Grade I was on the basis of seniority in Grade II.

3. We have called for the proceedings of the DPC which considered the vacancies for the years 1983, 1984, 1985 and 1986. We find that all the four applicants have been considered for all the four years.

4. The respondents made available for our perusal the chart that was prepared for the use by the DPC showing comparative gradings of the persons considered by the DPC for the relevant period. From the chart it is seen that those who are selected have got better gradings than the applicants. That being the position, it cannot be said that supersession of the applicants is wrong or bad in law because selection to the post of Office Superintendent Grade II is a selection post and not promotion based on seniority. The question of promotion from the post of Office

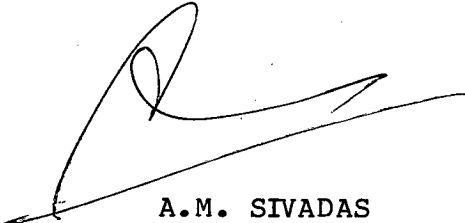


Superintendent Grade I arises only, if the applicants are entitled to get promoted as Office Superintendents Grade II as claimed by them.

5. Accordingly, we do not find any ground, much less any good ground, to allow the application and the application is dismissed. No costs.

6. Since we have not gone into the question of limitation, this shall not be cited as a precedent.

Dated the 4th day of March, 1999.



A.M. SIVADAS
JUDICIAL MEMBER



R.K. AHOOJA
ADMINISTRATIVE MEMBER