

(9)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No.

85/87

198

~~T.A. No.~~
~~XXXXXXXXXX~~

DATE OF DECISION 12.2.1990

Shri Rajaram Fakira Chaure Petitioner

Shri S.Y.Gupte Advocate for the Petitioner(s)

Versus

The General Manager, Currency Note Press & Anr. Respondent

Shri P.M.Pradhan,
Shri D.V.Gangal. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G.SREEDHARAN NAIR, VICE-CHAIRMAN,

The Hon'ble Mr. P.S.CHAUDHURI, MEMBER(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? ☒
2. To be referred to the Reporter or not ? Yes
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 ? ☒


(G.SREEDHARAN NAIR)
VICE-CHAIRMAN.

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.85/87.

Shri Rajaram Fakira Chaure.

... Applicant

V/s.

The General Manager,
Currency Note Press,
Nashik Road, 422 101 & Anr.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri G.Sreedharan Nair,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Applicant by Mr.S.Y.Gupte.
Respondent No.1 by Mr.P.M.Pradhan and
Respondent No.2 by Mr.D.V.Gangal.

Oral Judgment:-

Dated: 12.2.1990

【Per Shri G.Sreedharan Nair, Vice-Chairman】

The applicant who was a Senior Checker in the Currency Note Press, Nashik Road has filed this application complaining about the promotion of the second respondent to the post of Head Checker. It is alleged that the second respondent is junior to the applicant in the cadre of Senior Checker. It is stated that though the post of Head Checker is a selection post, promotions were being made only according to seniority, but for the first time ^{when the} vacancy arose in 1986 a written test was held on 7.5.1986 on the basis of which the second respondent was selected. It is urged that the Standing Order No.366 laying down the principles and the rules with respect to promotions in the press do not contemplate the holding of a written test. It is further urged that one of the Members of the Selection Committee "is the cousin or other near relative" of the second respondent. The applicant has ~~further~~ ^{pleaded} urged that the rule of selection by merit itself is defective since the post of Head Checker is only a class.III post. It is further stated that the appeal preferred by the

applicant was rejected without giving an opportunity of hearing to the applicant and as such the order of the appellate authority is bad.

2. The applicant has prayed for declaring that the promotion of the second respondent is bad in law and for a further declaration that the applicant is promoted to the post of Head Checker in the place of second respondent and for consequential benefits.

3. Separate replies have been filed by the Respondents No. 1 and 2. It is contended that even earlier promotions were being made to the posts of Head Checker on the basis of the grading by the DPC. It is stated that the test conducted in the year 1986 was only for the purpose of making a proper grading of the candidates. It is contended that merely because the applicant is senior to the second respondent he cannot complain about the selection of the latter as it was made after a proper assessment. The second respondent has also stated that all the candidates were informed well in advance about the test, and accordingly the applicant also participated in the test. The alleged relationship of one of the Members with the selection committee with the second respondent is specifically denied by him.

3. The first point that ^{was} ~~is~~ emphasized by the Counsel of the applicant was that the Standing Order No. 366 governing the principles, procedure and rules regarding promotions of the Industrial Workers in the Press do not contemplate the holding of a test for the purpose of assessment of merit, and when no such test was being conducted in the earlier years, the introduction

...3.





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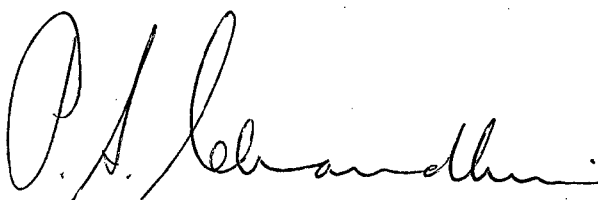
of the test is bad in law. We are unable to agree with this submission. It is clear from the Standing Order that the post of a Head Checker is a selection post and promotion to the said post has to be made in accordance with seniority based on merit. The Constitution of a DPC for the purpose of assessment of such merit is laid down in the Standing Order. It cannot be disputed that it is open to the DPC to lay down the ~~proper~~ procedure for a proper assessment of the relative merit of the candidates. Hence if the committee decided to hold a written test for such assessment, as there were 8 candidates in the field, it cannot be faulted. It is not in dispute that notice was issued to the applicant with respect to the test. Though at the time of hearing it was stated by the Counsel of the applicant that there was no sufficient interval between ~~from~~ the issue of notice and the holding of the test, there is no averment to that effect in the application to warrant a plea that prejudice was caused to the applicant on that score. On the contrary, the second respondent has clearly ^{ascertained} ~~ascertained~~ in the reply that notices were issued to all the candidates well in advance.

4. The proceedings of the DPC were made available for our perusal by Counsel of the first respondent. It reveals that pursuant to the notice four candidates appeared for the test and that after assessment of the marks scored the committee graded the second respondent as the best. It ^{was} ~~is~~ accordingly that the second respondent was promoted to the post. No doubt he happens to be junior to the applicant in the cadre of Senior Checker, but that has no relevance since the post of a Head Checker is a selection post.

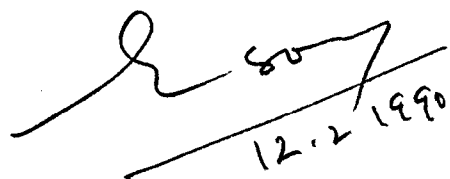
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5. Though there is a plea in the application that one of the members of the committee ~~was~~^{is} a relative of the second respondent, no specific relationship has been alleged, and the second respondent has categorically denied any such relationship. Besides, counsel of the applicant, in all fairness did not press this ground.

6. It follows that there is no merit in the application. It is accordingly dismissed.



(P.S. CHAUDHURI)
MEMBER (A)



(G. SREEDHARAN NAIR)
VICE -CHAIRMAN.

Judgement dt 12.2.90
served on R. No 1 & 2
dt Nil & 31.3.90
9/4/90