

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, CAMP AT NAGPUR

OA. NO. 901/88

Shri K.D.Atre
C.P.W.D.Quarters,
Qtr.No. 36, 'C' Type,
Civil Lines, Nagpur. ... Applicant
v/s.

1. Accountant General (Audit)
Nagpur.
2. Comptroller & Auditor
General of India,
Bahadurshah Jafar Marg,
New Delhi.
3. Shri V.G.Abale,
Welfare Assistant,
O/O the Accountant General,
Audit II, Civil Lines,
Nagpur. ... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances:

Mr.Marpakwar
Advocate
for the Applicant

Mr.S.V.Gole
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 17.3.1989

(PER: M.B.Mujumdar, Member (J)

Heard Mr.Marpakwar, learned advocate for the applicant and Mr.S.V.Gole, learned advocate for the respondents.

2. It is the case of the applicant that he was appointed as Clerk in 1950. He was promoted as Upper Division Clerk (UDC) in 1959 and awarded selection grade in 1973. In 1982 he was asked to work as a Welfare Assistant and he worked in that capacity till 1985. In 1985 the scale of pay for the post of Welfare Assistant was revised. In view of the revised

pay scale one Shri P.M.Somkuwar approached Respondent No.1 and requested that he being senior to the applicant should be granted the post of Welfare Assistant. Since he was senior, the applicant did not object to the appointment of Shri Somkuwar as Welfare Assistant. Therefore, the applicant came to be designated as Senior Auditor. The said Somkuwar retired in 1988. Thereafter, on 30.6.1988 some candidates were invited for personal interview for the post of Welfare Assistant. No procedure for holding any interview for the post was prescribed. As the applicant was senior most and also having served the organisation as Welfare Assistant, he was entitled to be appointed to the post of Welfare Assistant directly. But to avoid any litigation and dispute, he appeared for the interview along with Respondent No. 3, Shri V.G.Abale. After the interview, Respondent No. 3 was selected as Welfare Assistant. On 30.11.1988 the applicant has filed the present application praying that Respondents Nos. 1 & 2 be directed to appoint him to the post of Welfare Assistant from the date on which Respondent No. 3 has been appointed to that post. He has also prayed for consequential benefits.

2. By order dated 10.1.1989 we had issued notices to respondents regarding admission hearing. Accordingly, they have appeared and filed their written reply.

3. It is asserted in the reply of the respondents that the applicant was never appointed to the post of Welfare Assistant as that post was not filled in upto 6.3.1985. According to them, the post of Welfare Assistant is an ex-cadre post and recruitment to that post is governed by the Recruitment Rules, 1988. But before these rules, there were guidelines for selection to that post. What is more

important is assertion of the respondents that the DPC in its meeting dated 4.7.1984 had recommended one Shri S.W.Sahastrabuddhe for the post of Welfare Assistant. Again on 11.2.1985 the DPC recommended Shri P.M.Somkuwar. The next DPC was held on 30.6.1988 and it recommended the name of Shri Abale. It is pointed out that all these DPCs have ~~not~~ considered the case of the applicant.

4. It is well established that this Tribunal does not sit in appeal against the recommendations of the DPC. We, therefore, hold that this application is not worth admitting and hence reject the same summarily with no orders as to costs.

M.Y.Priolkar
(M.Y.Priolkar)

Member (A)

M.B.Mujumdar
(M.B.Mujumdar)
Member (J)