BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.236/86.

SHRINIVAS DIGAMBAR KUKADE,
Chargeman Grade I,
Controllerate of Inspection
            (Vehicles)
Ahmednagar,
Pin: 414 001.   ..   Applicant.

            V/s

Chairman of D.P.C.II,
Director of Inspection Vehicles,
Directorate of Inspection Vehicles,
Department of Defence Production (DGI),
Ministry of Defence,
DHQ. PO New Delhi - 110 001.   ..   Respondent.

            Coram: Hon'ble Vice Chairman B.C.Gadgil
                   Hon'ble Member (A) J.G.Rajadhyaksha

Appearance:

1.   Shri P.K.Dhakephalkar
     Advocate
     for the applicant.

2.   Shri S.R.Atre
     (for Mr.P.M.Pradhan)
     Advocate
     for the Respondent.

ORAL JUDGMENT   Dated: 11.12.1987.
(PER: B.C.Gadgil, Vice Chairman)

        The applicant who is an employee in the Central
Vehicle Research and Development (CFVD) Establishment,
Ahmednagar has a grievance about refusal of promotion to
the post of Assistant Foreman in 1986.

2.   The applicant joined service in 1967 and after
securing certain promotions he became Chargeman Gr.I in
1981. The next promotional post is that of Assistant
Foreman. He along with other Chargeman Gr.I was considered
by the Departmental Promotion Committee (DPC) in March 1985
for the said promotion. It appears that the applicant's
name was included in the panel of persons selected by the
DPC. But only 10 vacancies were available. Hence he could
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not get promotion. In the review DPC held in March, 1985
he was again empanelled against a reserved post subject to
that post being de-reserved. But on 9.5.1985 his name was
deleted as a Scheduled Caste/Tribe candidate came to be
available.

3.   In March 1986, there was a fresh DPC and the
applicant was not selected. He, therefore, filed the present
application challenging non-inclusion of his name in the
select list. At this stage we may also state that Mr.Dhake-
phalkar told us that in the year 1987 the applicant was
empanelled and he was promoted. The grievance of the appli-
cant is that the non-inclusion of his name in the panel is
illegal inasmuch as the remaining 31 candidates have been
empanelled in the order of their seniority. According to
him, the seniority and the merit (the post in question is
a selection post) would not normally synchronise and that
therefore the select list would not be in the same sequence
as that of the seniority list.

4.   The respondents have filed their reply. They con-
tend that the select list of 1986 was prepared according to
the usual procedure and that comparative merits of the con-
cerned eligible candidates were taken into account. It was
contended that there was no error in the preparation of the
panel.

5.   Mr.Dhakephalkar for the applicant contended that
the applicant who was found fit in 1985 and also in 1987
could not be unfit in 1986. He, therefore, urged that this
would be an indication to show that an arbitrary decision
against him is taken. The DPC proceedings have been made
available to us. They show that in 1986 in all 32 eligible
candidates were considered. 30 of them were given better
grading than that of the applicant and one more person.
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Thus these 30 persons have been serially included in the list. However, the list was to be of 31 persons and hence another person who was given some better ranking than that of the applicant was placed at Serial No.31 because that person was senior to the applicant. It is thus clear that there is no lacuna in the proceedings of the DPC. The fact that the applicant was found suitable in 1985 and in 1987 would not necessarily mean that his name should have been included in the 1986 select list. These posts are selection posts and comparative merits of all the eligible candidates are required to be taken into account. Under these circumstances, we are not able to accept the contention of the applicant that he has been erroneously or arbitrarily omitted from the select list of 1986.

6. The DPC proceedings are returned to Shri Atre, Counsel for the respondents, after pronouncing the judgment in the open court to-day.

ORDER

The application is, therefore, dismissed with no orders as to costs.

(A.G.Rajadhyaksha)
Member (A)

(B.C.Gadgil)
Vice Chairman