

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

Original Application No.486/86.

Mr. Namdeo Motiram Mangaonkar,
C/o Mr.W.W. Waishampayan,
Advocate, High Court, Bombay,
202, Turel Pakhadi, Malad(West),
Bombay-400 064.

... Applicant.

V/s.

1. The Director General,
Employees' State Insurance Corporation,
ESIC Building, Kotla Road,
New Delhi-110 002.
2. The Regional Director,
Employees' State Insurance Corporation,
ESIC Bhavan, N.M.Joshi Marg,
Lower Parel, Bombay-400 013.
3. The Director of Administration,
Employees' State Insurance Corporation,
ESIC Building, Kotla Road,
New Delhi.

... Respondents.

Coram: Hon'ble Member(A) J.G.Rajadhyaksha,
Hon'ble Member(J) M.B.Mujumdar.

Appearance:

1. Mr.W.W. Waishampayan, Advocate
for the applicant.
2. Mr.M.I. Sethna, Counsel
for the Respondents.

ORAL JUDGMENT

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

Dated: 2-4-1987.

Heard Mr. Waishampayan, the Learned Advocate,
for the applicant on the point of admission. We have
also heard Mr. M.I. Sethna, the Learned Counsel for
the Respondents. He has opposed the admission of
the application.

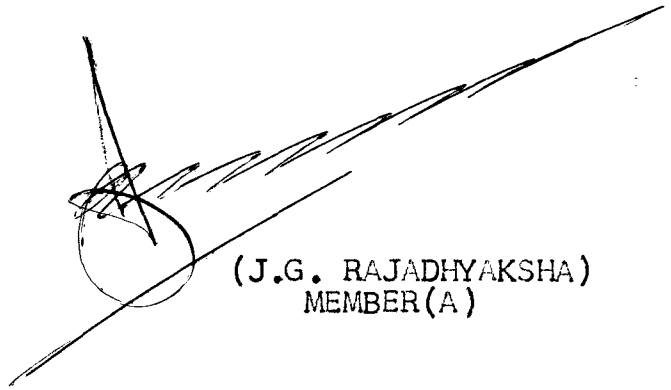
2. The applicant was working as officiating
Manager Grade-I from 13-10-1981 and since 16-8-1985

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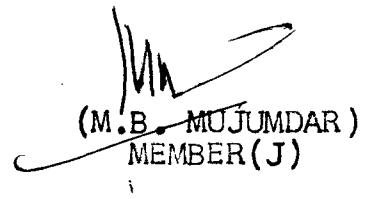
he is officiating as Assistant Regional Director. His main grievance is that he is not regularised in the post which he is holding on officiating basis since 1982. Departmental Promotion Committee (DPC) meetings headed by a Member of the Union Public Service Commission (UPSC) were held in 1982; 1984; 1986. It is the main grievance of the applicant that he was not ^{recommended} considered by the DPC held in these years. He is not regularised by any of the DPCs.

3. After hearing the applicant's advocate and after going through the application and the documents attached to it, we do not find that the DPC has taken any illegal or irrelevant consideration into account while not regularising the applicant and regularising other persons. We are not sitting here in appeal against the decision of the DPC. It was not disputed that promotion cannot be claimed as of right. No bias or malice is alleged against any of the Members of the DPC. The fact that some juniors are regularised cannot be a valid ground for setting aside the decision of the DPC. Mr. Waishampayan vehemently submitted that the applicant should at least know why he was not regularised while some of his juniors were regularised as Assistant Regional Directors. The only answer to this question can be that others might have been found better than the applicant in their overall performance by the DPC. We, therefore, feel that no useful purpose will be served by admitting the application. We, therefore, reject the application

summarily under section 19(3) of the Administrative
Tribunals Act, 1985, with no order as to costs.

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(J.G. RAJADHYAKSHA)
MEMBER (A)

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(M.B. MUJUMDAR)
MEMBER (J)