

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 571 OF 2000

FRIDAY, THE 2ND DAY OF MARCH, 2001

SHRI JUSTICE ASHOK AGARWAL.
SMT. SHANTA SHASTRY.

... CHAIRMAN
... MEMBER (A)

1. J.M. Kapdi, Junior Engineer,
PWD, Administration of UT's of
Daman and Diu & Dadra Nagar Haveli,
Silvassa.

2. Dhirubhai B. Patel,
Junior Engineer, PWD,
Administration of UTs of Daman
and Diu and Dadra Nagar Haveli,
Silvassa.

... Applicants

By Advocate A.K. Bhaktar

Vs.

1. Union of India through
The Secretary to Govt. of India,
Ministry of Home Affairs,
South Block, New Delhi-110 001.

2. The Administrator, U.Ts of
Daman and Diu and Dadra
Nagar Haveli, Secretariate.
Silvassa-396 230.

3. Shri Dilip Gangadharan,
Junior Engineer, holding
Charge of Dy. Engineer (Civil),
PWD, Civil division No.II, Road,
Sub-Div.-IV, Silvassa-396 230.

... Respondents

By A.C.G.S.C. Shri V.S. Masurkar for R1 & 2.

O R D E R

Shanta Shastri.

... Member (A)

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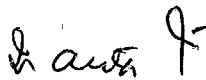
In this case the applicants are claiming promotion from the post of Junior Engineer to Deputy Engineer according to recruitment rules and according to seniority. The respondent

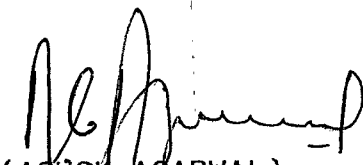
any I.



Deputy ⁴

Engineer on the expiry of six months' period as directed by this Tribunal. Earlier there was no vacancy. However, a regular vacancy in the grade has now become available from 1.9.2000 due to retirement of the officer holding the post of Deputy Engineer. As per recruitment rules the post is to be filled by 75% on promotion and 25% by direct recruitment. Now the post is due for being filled by direct recruitment according to the roster maintained by the office and therefore the administration has sent a requisition to the UPSC to fill up this post by direct recruitment. Action is being taken by the UPSC to advertise the post. Now there is no promotion given in the absence of vacancy. In view of this the applicants' apprehension about the 3rd respondent continuing on adhoc basis in the post of Deputy Engineer by denying the senior persons is not maintainable. Accordingly the OA is dismissed. No costs.


(SHANTA SHASTRI)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN