

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 12th DECEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)

Hon'ble Shri L.H.A. Rego - Member (A)

APPLICATION No. 776/86

D.K. Ghivari
Poultry Assistant
Central Poultry Breeding Farm,
Hessaraghatta

- Applicant

(Shri H.S. Jois, Advocate)

1. Union of India represented by its
Secretary, Ministry of Agriculture
New Delhi

2. Director, Central Poultry Breeding Farm,
Hessarghatta

- Respondents

(Shri M.S. Padmarajaiah, Senior C.G.S.C.)

This application came up for hearing before
this tribunal and Hon'ble Member (J) Shri Ch. Ramakrishna
Rao, to-day made the following

O R D E R

This is an application initially filed as a writ
petition before the High Court of Karnataka and
subsequently transferred to this tribunal. The facts
giving rise to the application, briefly, are as
follows.

2. The applicant was appointed as Poultry Assistant
in the office of the Regional Poultry Farm, Hessaraghatta,
Bangalore North in which post he was confirmed with
effect from 18.4.1968. The avenue of promotion for him

....from

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from this post was to that of Farm Supervisor ('FS'). Recruitment to this post was by direct recruitment and promotion in the ratio of 2:1, failing both, by transfer. Certain posts of FS fell vacant in the Central Poultry Breeding Farm in the year 1973 and the applicant made several representations for consideration of his candidature against the vacancies, but in vain. The applicant has, therefore, filed this application for issue of an appropriate direction to the respondents for considering his case for promotion to the post of FS in the Central Poultry Breeding Farm.

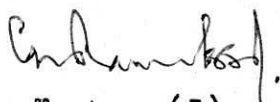
3. Shri H.S. Jois, learned counsel for the applicant, contends that the respondents ought to have considered his client's case for promotion against the vacancies of FS and the respondents have acted arbitrarily, in not doing so. Shri M.S. Padmarajaiah, learned counsel for the respondents, submits that the applicant's case was considered for promotion to the post of FS by the Departmental Promotion Committee ('DPC') which met on 14.7.1976. The DPC was of the view that the applicant ~~would~~ not be able to cope ~~up~~ with the technical work that ~~was~~ expected as FS, and also he does not have adequate qualifications required to shoulder the higher responsibilities of the post. Shri Padmarajaiah further submits that by virtue of an amendment to the recruitment rules made on 10.2.1978 provision for 1/3rd quota to the promotees was deleted as a result of which all the posts came to be filled by direct recruitment.

Amf

4. We have considered the matter carefully. We have also perused the proceedings of the DPC held on 14.7.1976 as well as the character roll of the applicant. From the former it appears that the DPC did consider the name of the applicant but did not find him suitable for promotion to the post of FS. The DPC being an expert body, we do not consider it proper to interfere with the assessment made by them of the suitability of the applicant to the post and other relevant factors. Shri Jois next contends that his client actually discharged the duties of FS and had this been taken into account, he would have been selected as FS. In support of his contention, the counsel for the applicant submitted some office orders in which FSs handed over charge of their post to the applicant. Shri Padmarajaiah submits that such handing over of charge cannot ipso facto have the effect of performing the duties of FS.

5. We do not consider it necessary to examine this aspect since the DPC is the competent expert body to examine the suitability of an official to a post and we cannot sit in judgement over the view taken by the DPC regarding suitability or otherwise of the applicant for promotion to the post of FS.

6. In the result the application is dismissed.
No order as to costs.


Member (J)


Member (A) 3. 2. 80

Date 4.4.88
500 R.M. J.R.
D.No. 2613/87
SUPREME COURT OF INDIA
NEW DELHI.

dated 7-4-88

From: ☒ The Additional Registrar,
Supreme Court of India,

To ☒ The Registrar,
~~High Court of~~ *Central Administrative Tribunal*
Principal Bench, Bangalore,

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 6871/87
(Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment
& Order dated 12.12.86 of the ~~High Court of~~
Central Administrative Tribunal, Principal Bench, Bangalore
in Application No. 776/86)

D. K. Ghlivani

...Petitioner

-VS-

The Director, Central Poultry ...Respondent
Breeding Farm, Bangalore & Ors.

Sir,

I am to inform you that the petition above-mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the petitioner above-named from the Judgment and Order
Central Administrative Tribunal, Principal Bench, Bangalore,
of the ~~High Court~~ noted above and that the same was/were
dismissed by this Court on the 21st day of March
1988

Yours faithfully,

[Signature]
for ADDL. REGISTRAR



B.No: 45