

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 894/90

Transfer Application No.

Date of Decision : 26.5.95

S.J. Manjrekar & 9 Others

Petitioner

Shri B. Dattamurthy

Advocate for the
Petitioners

Versus

Union of India & 2 Others

Respondents

Shri Suresh Kumar for Shri M.I. Sethna

Advocate for the
respondents

C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J).

The Hon'ble Shri P.P. Srivastava, Member (A).

- (1) To be referred to the Reporter or not ? X
- (2) Whether it needs to be circulated to
other Benches of the Tribunal? Y

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(P.P. SRIVASTAVA)
MEMBER (A)

BOMBAY BENCH.

O.A.894/90.

S.J.Manjrekar & 9 others

... Applicants.

V/s.

Union of India & 2 Others

... Respondents.

CORAM: Hon'ble Shri B.S.Hegde, Member(J).

Hon'ble Shri P.P.Srivastava, Member(A).

APPEARANCES:

Shri Dattamurthy, Counsel
for Applicants.

Shri Suresh Kumar for
Shri M.I.Sethna, Counsel
for Respondents.

JUDGEMENT:

DATED : 26.5.95

{ Per Shri P.P.Srivastava, Member(A). }

The Applicants are working in the Customs Department and have challenged the selection for the post of Examiners which was held in the year 1990 for the vacancies which occurred during the period 1986-1990. The Applicants contention is that since the selection has been held in the year 1990, applicants have already been promoted in their feeder cadre as Deputy Office Superintendent level 1 and 2 and therefore their names have been excluded from the selection. The contention of the applicant is that had this selection been conducted in that year, they would have been eligible for being considered for the post of examiner from 1986-1988 as they were working at that time either as Upper Division Clerk or Stenographers and were part of the feeder cadre for the post of examiner. The applicants are aggrieved by the selection

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which has been held on 15/12/90 for the post of Examiner for the vacancies which occurred during 1986-1989 and have prayed as under:-

- (a) The Respondent No.2 be directed to compute vacancies yearwise from 1986 onwards and draw up yearwise panels for selection after considering eligible officials in the particular years.

2. Respondents have brought out in their reply that although the selection was conducted on 15/12/90 for vacancies which occurred from the year 1986 to 1990, the delay in holding the DPC has not been adversely affected the chances of the aggrieved applicants, as the selections have been held yearwise i.e. the vacancies have been identified for each year i.e. 1986, 1987 and 1988 separately. Only such employees have been considered eligible for promotion towards the vacancies of each year as were eligible within the zone of consideration at the appropriate time. Even those employees who had already been promoted in the year 1990, were considered towards the vacancies of that particular year according to their eligibility at that time. The contention of the respondents is that even though the vacancies were filled by conducting the DPC for each year separately, the applicants did not fall within the zone of consideration at the relevant time.

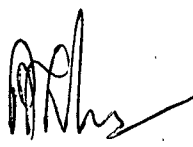
3. The Counsel for the applicant has argued at length about the number of vacancies which should have been considered at the time of selection. However, since the relief in O.A. is confined only for conduct of selection for the vacancies for each




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year without raising any controversy about the number of vacancies, we are refraining from consideration of the question of the number of vacancies in this O.A.

4. Since the controversy hinges around whether the selection which was conducted on 15/12/90 was held yearwise or not and since the prayer of the applicants in the relief ^{sought} also mentions for a direction to the respondents to conduct the selection yearwise separately, we have perused the record of the selection which was held on 15/12/90. From the record, it is clear that the DPC has been conducted for each year separately. It is not the case of the applicants that some of their juniors were considered and they were not considered. In view of the factual position that the selection was conducted for the vacancies yearwise and those candidates who were eligible for each year separately were considered and since none of the juniors to the applicants have been considered, we are of the view, that there is no infirmity in the selection. The OA therefore is without merit and is dismissed. There would be no order as to cost.


(P.P. SRIVASTAVA)
MEMBER (A)


(B.S. HEGDE)
MEMBER (J).

abp.