

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

O.A. No. 826/92

Date of decision: 8.11.93

RAJ MAL : Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. P.V. Calla : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:


Heard the learned counsel for the parties and  
perused the record.

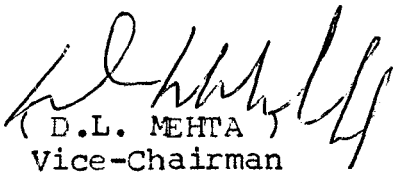
2. Admittedly, the applicant was declared successful in the written examination in April, 84. However, he could not succeed in viva-voce. Vide Annexure R-2, promotions were given to the selected candidates on 21.4.84. D.C. Rejek finds place at serial no. 5 and he is a member of the Scheduled Caste. Once a selected person is available, the applicant cannot get the benefit that he should be given promotion for 6 months and the work should be assessed and thereafter, the reporting officer should report to the General Manager and he should be allowed to continue in these circumstances. Shri D.C. Rejek was selected, so there is no right of that nature in favour of the applicant.

3. It was submitted that Raj Mal Gautam was promoted on 1.1.85 and D.C. Rejek was promoted in October, 85. The applicant's submission is that after the promotion of Raj Mal Gautam and D.C. Rejek, his case should have been considered, and the respondents have not considered the case of the applicant and kept the post vacant. As far as keeping of the post vacant is concerned, no one can be compelled to fill up the post unless there are some extraneous circumstances for keeping the post vacant.

4. Mr. Bhandari submits that the panel expires after one year and the name of the applicant was in the final panel. The eligibility of the applicant for selection and the right, if any, accrued in favour of the applicant at the time of the promotion of Raj Mal Gautam and D.C. Rejek can be considered according to law and if any relief can be given to him, it should be given to him according to the law.

5. With these observations, the petition is disposed of, with no order as to costs.

  
( O.P. SHARMA )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman