

**C. A. T. Bench, JAIPUR**

Date of Order	Orders
<u>27-7-84</u>	<p>Applicant in person. S. L. Mehta, counsel for the defendant. The M/s has been dismissed of by a separate order, which has been pronounced in the open court.</p> <p>O. P. Sharma (O. P. Sharma) Administrative Member</p> <p>D. L. Mehta (D. L. Mehta) Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

\*\*\*

Date of Decision: 27.7.94.

OA 904/92  
(OA 257/88)

Nand Lal Kumawat ... APPLICANT.

vs.

UNION OF INDIA & AIR. ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.  
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... IN PERSON.

For the Respondents ... SHRI V.S. GURJAR.

PER HON'BLE MR. O.P. SHARMA, MEMBER (A).

Applicant Nand Lal Kumawat has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the respondents may be directed to promote the applicant on the post of Inspector from the post of UDC from the date his juniors have been promoted vide order dated 17.7.87 with all consequential benefits.

2. The applicant is working as UDC in the Customs and Central Excise Department. He was offered promotion to the post of Deputy Office Supdt. by order dated 17.6.87 but he declined to join the said post on the ground that he was also eligible for promotion to the post of Inspector, which was a higher post. Thereafter, his name was considered by the DPC for promotion to the post of Inspector. He was, however, not granted promotion as Inspector while his juniors were granted promotion on the basis of the recommendations of the DPC. The applicant's grievance is that when he had been found fit for promotion to the post of Dy. Office Supdt., he could not have been ignored for the post of Inspector because the "selection" is the criterion for promotion to both these posts.

3. The respondents in their reply have stated that the applicant's name was considered by the DPC for the post of Inspector but the DPC did not find him suitable for selection for appointment to the

post of Inspector. It is for this reason that the applicant was not granted promotion as Inspector.

4. The applicant himself conceded that although selection is the criterion for both the posts, there is also an interview prescribed for selection to the post of Inspector. In the circumstances, it cannot be said that the criterion for selection for both the posts is identical. In the circumstances, if the DPC did not find the applicant fit for promotion to the post of Inspector, the respondents were justified in ignoring him for promotion to the said post.

5. In the circumstances, we find no merit in this OA and the same is dismissed accordingly. No order as to costs.

( O.P. SHARMA )  
MEMBER (A)

  
( D.L. MEHTA )  
VICE CHAIRMAN