(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH

Date of decision 6.10.1994.

OA No.1177/92
(OA 64/91)

Phool Chand & ors. .....Applicant.

Vs.

Union of India & ors. .....Respondents.

CORAM: Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.
Hon'ble Mr. N.K. Verma, Administrative Member.

For the applicants - Mr. J.K. Kaushik, advocate.
For the respondents - Mr. Manish Bhandari, advocate.

O R D E R (ORAL)

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

Heard the learned counsel for the parties.

2. Applicants submitted that as per selection procedure, selection is to be held in the way referred to in para 3 of the Application. However, during the course of arguments, with all fairness, Shri J.K.Kaushik submitted that this ground has not been accepted by other Benches of this Tribunal. He made a request for reconsideration of the decision of the other Benches. However, we are not inclined to take a different view on this point.

3. Mr. Kaushik has also invited our attention to Annexure A/4 and submitted that some persons who have passed Driver course in illiterate batch were not considered for appointment as Passenger Drivers only on the ground of literacy. He has pointed out the names of Gashinda and others in Annexure A/4, to show that the respondents have taken this stand and rejected the consideration of illiterate persons for the post of Passenger Driver.

4. Mr. Kaushik submitted that he has specifically taken this plea and the respondents in their reply in Para 4.7 have submitted that as per channel of promotion, all employees who were within the field of consideration are to be called for selection

.....2

irrespective of their being literate or illiterate and those who qualify in the selection are to be placed on the panel and promoted as per seniority without any discrimination.

5. Mr. Kaushik further submitted that on the one side, from the perusal of Annexure A/4 it is revealed that the names of the persons who were illiterate and who were selected as Drivers have not been considered for promotion as Passenger Drivers and the respondents have taken a stand which is inconsistent with Annexure A/4, ~~while~~ as now they say that illiterate persons can be considered also for promotion.

6. The third limb of the argument of Mr. Kaushik is that in Para 9 of the O.A. he has taken the plea that the Board for taking the ~~examination~~ test was not properly constituted.

7. We have seen the reply and the submissions made in Para 9 of the O.A. We are not inclined to accept the third limb of the argument of Mr. Kaushik.

8. As far as Annexure A/4 is concerned, adhoc appointments were given to some persons and some persons were not considered on the ground that they had passed Driver course from illiterate batch. This act of the respondents may be inconsistent with the pleadings they have taken.

9. However, no relief can be given to the applicants as they have not made any specific prayer or any prayer by implication for setting aside the Annexure A/4. However, we would like to observe that even on adhoc promotion, ordinarily, the criteria of regular promotion may be observed and

(11)

in no case violation be made.

With this observation the O.A. is disposed of. No order as to costs.

(N.K. VERMA)
ADMINISTRATIVE MEMBER

(D.L. MEHTA)
VICE CHAIRMAN

'MS'