

OA No. 625/92
(OA No. 318/87)

: Date of order 18.5.94

Mahipal Singh

: Applicant

V/s

Union of India & Others : Respondents,

Mr. R.N. Mathur : Counsel for the applicant

Mr. M. Bhandari : Counsel for the respondents

CORAM

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

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

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

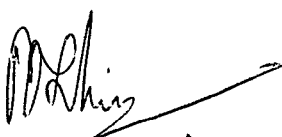
Heard the learned counsel for the parties. Mr. R.N. Mathur appearing on behalf of the applicant, has invited our attention to Annexures A-1 & A-2 and submitted that two years experience is necessary to a lower post before promotion. As far as these circulars are concerned Mr. Manish Bhandari submits that the post of ACCI does not fall within the category of safety post. Even for the sake of argument it may be presumed that the arguments is good, even then the Annexure A-2 the circular dated 19.2.87 will apply in the case. The minimum period of service eligibility for promotion for Group 'C' posts shall be two years in the lower grade irrespective of whether employee belongs to reserve category. This recommendation is not only for the safety post but it is for all types of posts of Group 'C'. Though the argument of Mr. Manish Bhandari does not find favour in the light of Annexure A-2 dated 19.2.87.

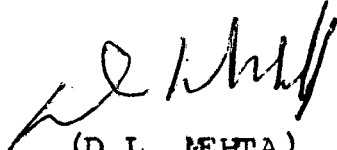
2. As far as respondent no. 5 is concerned, no order has been produced by the counsel for the applicant to show that the order is under challenged. There is no order relating to Annexure A-5 in the file. In the court Counsel could not point out whether there was any order of promotion. There was reference for the non production of order under challenge against the respondent no. 5. As far as respondent no. 4 is concerned, it was pointed out that he was promoted in the year 1987 as Electrical Fitter. However, we find that this promotion was allowed after one year. Even for the sake of arguments

Merits of the case *since* 12
if we consider the case of Mr. R.N. Mathur, the applicant has not completed two years experience, ~~even then~~ no relief can be granted to the applicant. At this most it may be argued that he ^(Respondent No. 4) should be regularised after two years experience. This fact is also controversial. We are not in a position to give any relief to the applicant in this case.

3. As far as the applicant is concerned, he has a right to be considered against the general quota. The respondents if committed any error in appointing the respondents nos. 4 & 5 against a general quota post, then naturally the applicant being a senior can claim the right. The respondents nos. 4 & 5 have been appointed against the general quota. If on account of any omission or commission any person has been appointed without merit in general quota then the applicant's case should be considered afresh by the respondents.

4. The OA is disposed of accordingly with no order as to costs.


(P.P. SRIVASTAVA)
Member (A)


(D.L. MEHTA)
Vice-Chairman