

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.1336/95.

Date of decision: March 6, 1998.

Between:

KBH Varma. .. Applicant.

and

1. Union of India represented by its Secretary, Ministry of Defence, New Delhi.
2. The Engineer in Chief, Army Head Quarters, Kashmir House, New Delhi -110 011.
3. The Chief Engineer, Southern Command, Pune 411 001
4. Senior Record Officer, Bengal Engineers, Group, Roorkee- 247 667. Respondents.

Counsel for the applicant: Sri P.B. Vijaya Kumar.

Counsel for the respondents: Sri N.V.Raghava Reddy.

CORAM:

HON'BLE SRI A.V.HARIDASAN, Vice-Chairman(J),Ernakulam Bench.

H. RAJENDRA PRASAD, Member (Administrative)

JUDGMENT.

(Per Hon'ble Sri A.V.HARIDASAN, Vice-Chairman (J),
Ernakulam Bench)

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The applicant was a Superintendent B/R Grade II in the MES, When he filed the application, ^uhe had passed the Departmental Examination for promotion to the post of Superintendent, Grade I and he ^{was} is at Sl.No.123 in the panel of Superintendents Grade II. For 121 vacancies of Superintendents Grade-I the DPC., prepared a panel which did not include the name of the applicant. The case of the applicant is that as the first person in the panel has refused to accept the promotion, the respondents should have extended the panel and given him the promotion. He has also a grievance that X-Servicemen are being appointed in the Grade-I posts of Superintendents contrary to the rules. With these allegations, the applicant has filed this application praying that the respondents may be directed to provide extended panel to fill up the post of Superintendent B/R Gr.I prepared as on 4-10-1995 and to consider the applicant for promotion.

2. The respondents contend that as a panel of 121 persons was prepared for 121 vacancies the applicant who is at Sl.No.123 in the gradation list of Superintendents, R Grade-II could not be included. The extension of the panel not being justified for any reasons the respondents contend that the applicantx has no right to claim extension of the panel. Recruitment of Ex-Servicemen is justified on the ground that the recruitment was towards X-Servicemen quota and therefore the applicant's rights are not affected.

Note:

This is the Fair judgment.

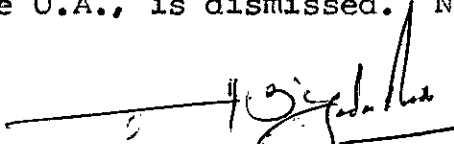
Draft is attached to the


Fair judgment.

S. Siva Sankaram
(S. SIVA SANKARAM) 8/6/69

After hearing the learned counsel on either side and on a perusal of the records, we do not find that the applicant has been subjected to any discrimination or that any service rule has been violated. The respondents have prepared panel of 121 persons for 121 vacancies and as the applicant was at Sl.No.123 in the gradation list of Superintendents B/R Gr.II, he has no legitimate grievance. His name was not included in the panel rightly. The applicant will have to wait for his turn for getting promotion and can have ^aonly grievance ^{as}if somebody is promoted ~~xxx~~ ignoring his seniority. ✓

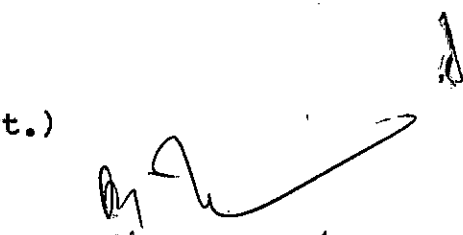
We do not see any merit in this application. The O.A., is dismissed. No costs.


 H. RAJENDRA PRASAD
 Member (A)


 A.V. HARIDASAN,
 Vice-Chairman (J)
 Ernakulam Bench

Date: 6-3-1998.

 (Dictated in open Court.)


 Deputy Registrar

sss.

DA. 1336/95.

To

1. The Secretary, Union of India,
Ministry of Defence, New Delhi.
2. The Engineer-in-Chief,
Army Head Quarters, Kashmir House,
New Delhi-11.
3. The Chief Engineer, Southern Command,
Pune-1.
4. The Senior Record Officer, Bengal Engineers,
Group, Roorkee-667.
5. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

pvm.

31/3/98

TYPED BY
COMPALED BY

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I COURT
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE AV Haridasan
VICE-CHAIRMAN (Enamukula Bench)

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 6-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 1336/95

T.A.No. (W.R)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
दोस्तपुर/DESPAT
30 MAR 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH