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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No.76 OF 1996.

DATE OF ORDER:31-8-1998.

BETWEEN:

M.A.Salam(160300).

.. Applicant

a n d

1. The Engineer-in-Chief,  
Military Engineering Service,  
Army Headquarters, DHQ PD,  
New Delhi-110 011.
2. The Chief Engineer, Southern Command,  
M.M. Road, Pune-1.
3. The Garrison Engineer(Projects-Independent),  
R & D, Kanchanbagh, Hyderabad-058.  
(Respondents 2 & 3 impleaded, vide Order  
dt:3-6-96 in MA.No.289/96)

.. Respondents

COUNSEL FOR APPLICANT :: Mr.P.Naveen Rao

COUNSEL FOR THE RESPONDENTS: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN) )

Heard Mr.Phaniraj for Mr.P.Naveen Rao for the Applicant  
and Mr.N.R.Devaraj for the Respondents. Lieutenant N.V.Rao  
was present and she produced the DPC Proceedings as well as  
SR0.305/1989.

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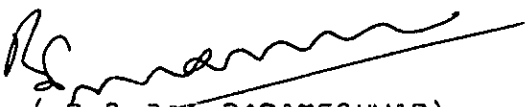
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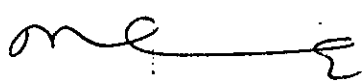
2. The applicant in this OA joined as Store Keeper Grade-II on 13-11-1965. He was further promoted to Grade-I on 30-3-1973 and to Supervisor Grade-II on 22-12-1983. The post of Supervisor Grade-II is in the scale of pay of Rs.1200-2040. The next promotion for a Grade-II Supervisor is to that of Grade-I in the scale of pay of Rs.1400-2300. The applicant submits that the promotion to that Grade is on the basis of seniority-cum-fitness. The applicant was kept at the Sl.No.260 of the seniority list of Supervisor Gr.II issued on 2-7-1994. The applicant submits that he had passed B/S Grade-I examination and he is fully eligible for consideration for promotion/<sup>to</sup>the post of Supervisor Grade-I. However, he was not promoted and his name did not find a place in the panel of names consisting over 231 employees who were declared to have been eligible for promotion to Grade-I in Proceedings No.41208/E1 R (Sub), dated:10-7-1995(Annexure.A-II, Page.12 to the OA). The applicant thereafter filed an appeal in not promoting him to the respondent-authorities by his representation dated:30-8-1995(Annexure.A-III to the OA). That representation was disposed of by the impugned Order No.41208/E1R (Sub), dated:13-9-1995(Annexure.A-IV, Page.16 to the OA) rejecting his case on the ground that he was assessed only as average whereas the minimum required Bench Mark grading is Good.

3. Aggreived by the above, the applicant has filed this OA for setting aside the impugned Proceedings No.41208/E1 R(Sub), dated:13-9-1995(Annexure.4 to the OA) and for a consequential direction to the respondents to promote the applicant as Supervisor B/S Grade-I on and from the date of promotion of his immediate junior in the seniority list of Supervisors B/S Gr.II with all consequential benefits.

4. A reply has been filed in this OA. Though the reply statement runs for four pages, we find that such an elaborate reply may not <sup>have been</sup> necessary. The respondents could have concisely stated that the selection to the post of B/S Grade-I is on the basis of selection and not on the basis of the <sup>rules for</sup> ~~requirement~~ of a non-selection post as submitted by the applicant. The applicant was considered by the DPC which met on 6-6-1995 to 13-6-1995 to consider promotion of Supervisor B/s Grade-II to Supervisor B/ S Grade-I in MES. The Departmental Promotion Committee consisted of four Senior members of the respondent-Organisation. The case of the applicant was considered and he was graded as average ~~in the~~ <sup>in</sup> ~~enquiry~~ at Annexure-I to the proceedings. It is stated in the proceedings that the minimum bench mark required is Good and above. <sup>was</sup> As the applicant ~~had~~ <sup>was</sup> graded as average, he was not found fit. A perusal of the SRO.No.305 of 1989 based on which the selection was conducted reveals that the post of Supervisor Grade-I is a selection post and not a non-selection post. Hence, the averments of the applicant that it is a non-selection post and the applicant should be promoted on the basis of the seniority-cum-fitness is not borne by the recruitment rules. The minimum requirement for promotion for consideration has been indicated in Column No.12 of the said recruitment rules. Even though the applicant fulfilled all the conditions he could not be promoted as the DPC had graded him as average only.

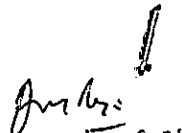
5. In view of the above, we do not find any reason to uphold this application. Hence the application is dismissed. No costs. ( The DPC proceedings and the SRO.305/89 were perused and returned back).

  
( B.S. JAI PARAMESHWAR )  
MEMBER (JUDL)

  
( R. RANGARAJAN )  
MEMBER (ADMN)

DATED: THIS THE 31st day of AUGUST, 1998  
DICTATED IN THE OPEN COURT

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DSN

  
9/8/98

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Copy to:

1. The Engineer in Chief, Military Engineering Service,  
Army Head Quarters, DHQ PO, New Delhi.
2. The Chief Engineer, Southern Command, M.M.Road,  
Pune.
3. The Garrison Engineer, (Projects-Independent),  
R & D Kanchanbagh, Hyderabad.
4. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. T. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

11/9/98

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M(J)

DATED: 31/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A.NO. 76/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

11 SEP 1998

हैदराबाद न्यायपीठ  
HYDERABAD BENCH