

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 12.07.2000

OA No.682/1993

R.D.Sinha, S/o Shri A.P.Srivastava presently posted as Technical Officer T-5, Textile Manufacturer at Central Sheep and Wool Research Institute, Avika Nagar, Rajasthan.

.. Applicant

Versus

1. Council of Agriculture Research through its Director General, Krishi Bhawan, New Delhi.
2. Director, Central Sheep and Wool Research Institute, Avika Nagar, District Tonk, Ajmer.
3. Shri D.L.Verma presently posted as Technical Officer T-6, Central Sheep and Wool Research Institute, Avika Nagar, Distt. Tonk.

.. Respondents

Mr. P.P.Mathur, Proxy counsel to Mr. R.N.Mathur, counsel for the applicant.

Mr. V.S.Gurjar, counsel for respondents Nos. 1 and 2

Mr. Hemant Gupta, Proxy counsel to Mr.R.P.Sharma, counsel for the respondent No.3

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This application is filed challenging the promotion order vide Ann.Al dated 26th July, 1993 by which the private respondent No. 3, D.L.Verma, was promoted from T5 Group to T6 Group.

2. (The case of the applicant is that he was senior to private respondent No.3 and one Shri Shyam Singh and he was fulfilling the requisite qualifications for promotion, he should have been promoted alongwith respondent No.3 and Shri Shyam Singh. Therefore, the impugned order Ann.A1 is liable to be quashed.

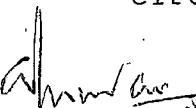
3. On the other hand, private respondent and official respondents have denied the case of the applicant. It is their case that the post in question was meant for SC category as per the roster maintained by the Department. Since respondent No.3 belongs to SC category and he fulfilled all the requisite qualifications, therefore, he was promoted. They have also stated that respondent No. 3 was having B.Sc. degree and he was also having 5 years experience in the relevant field, he was eligible to be promoted. It appears that earlier complaining such promotion, this applicant has made a representation in the Department and the Department issued an endorsement dated 13th October, 1993 vide Ann.A3 stating this fact clearly. Therefore, it is contended on behalf of the respondents that there is absolutely no case of the applicant.

4. In fact, at the relevant point of time, according to the roster, which was in force, the post was to go to SC category is not disputed. This fact has been clearly admitted by the applicant himself in para 4 of his application. It is stated in para 4 of the application that this post was meant for SC category and if that is so, the respondent No. 3 which had fulfilled all the requisite qualifications and was also person belonging to SC category was rightly promoted vide Ann.A1. Admittedly, the applicant belongs to general category.

: 3 :

If that is so, he cannot make grievance against Ann.Al. In this view of the matter, we pass the order as under:

The application is dismissed but in the circumstances without costs.

  
(N.P. NAWANI)

Adm. Member

  
(B.S. RAIKOTE)

Vice Chairman