

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

GA 199/93 : Date of order 25.11.94

Lalit Mohan Ranga : Applicant

V/s

Union of India & Others : Respondents

CORAM

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

Hon'ble Mr. B.N. Dhoundiyal, Member (Administrative)

For the Applicant : Mr. J.K. Kaushik

For the Respondents
nos. 1 to 3 : Mr. S.S. Hassan

For the Respondents
nos. 4 to 10 : Mr. R.N. Mathur

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

Heard the learned counsel for the parties. The applicant challenges impugned order dated 27.2.93 declaring a selection panel for the J.S.C. and consequential promotion orders wherein his name does not find a place.

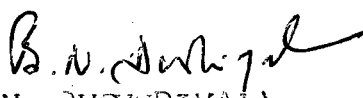
2. The controversy relates to promotion to the post of Junior Shop Superintendent from the feeder post of Chargeman. It is a selection post and it is to be filled on the basis of selection consisting of written and viva tests. Only those who have completed two years of service as chargemen are eligible on the date of issue of promotion order. One of the candidates Pushpkant Mathur had not completed two years as Chargeman and was ineligible. He was wrongly promoted and the claims of the applicant were ignored.

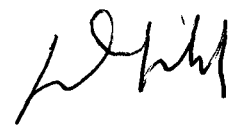
3. A person who does not fulfil the requisite qualification of length of service in the feeder grade, if eligible to hold the promotion post, should be allowed to continue to hold the promotion post but without adversely affecting the rights of other persons. Respondent no. 10, Shri Pushpkant Mathur may find place in the panel earlier also but he cannot be promoted without the completion of two years

service.

4. In the result, we accept this petition in part and direct that the respondent no. 10, Shri Pushkant Mathur, should be deemed to have been promoted with effect from the date of completion of two years on the feeder post. However, the amount paid to him by way of salary of the higher post on account of his performing his duty on the higher post shall not be recovered. He will get benefit of seniority from the date of his completion of two years on the feeder post i.e. from 25.11.93. Thus, the persons appointed subsequently on account of upgradation or otherwise during the intervening period will be senior to Shri Pushkant Mathur.

5. The OA stands disposed of accordingly, with no order as to costs.


(B.N. DHONDIYAL)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN