

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDERS OF THE TRIBUNAL

20.5.2009

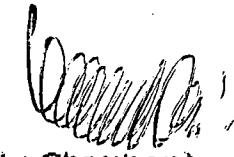
Item No. 6

OA.09/2009

**Present: Shri Vinod Goyal counsel for applicant
Shri Gaurav Jain, counsel for respondents**

**Heard, counsel for both parties. For the reasons,
dictated separately, the OA is disposed of.**


**(B.L. Khatri)
Member (Admn.)**


**(M.L. Chauhan)
Member (Judi.)**

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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original Application No.09/2008

The 20th Day of May, 2009

**Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. B.L. Khatri, Member (Administrative)**

Pankaj Kumar S/o Shri Madan Mohan Prasad,
Aged about 31 years, R/o Quarter No.II Type,
129, A.G. Colony, Bajaj Nagar, Jaipur,
Presently posted at Clerk in the office of
the Respondent No.3.Applicant

(By Advocate: Shri Vinod Goyal)

- Versus -

1. Union of India Through Comptroller and Auditor General of India, 10, Bahadur Shah Jafar Marg, New Delhi.
2. The Director General of Audit (Post and Telegraph) Shyam Nath Marg, Delhi.34
3. The Director (Post & Telegraph) Audit Office, V.K.Complex, II Floor Sahakar Marg, Jaipur.

..... Respondents

(By Advocate: Shri Gaurav Jain)

ORDER (ORAL)

(By Hon'ble Mr. M.L. Chauhan, Member (Judicial))

In this case the applicant has filed this OA thereby
praying that respondents may be directed to promote the

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applicant on the post of Auditor against the seniority quota or in the departmental quota when it became due.

2. Notice of this application was given to the respondents. The respondents in the reply have categorically stated that post of the Auditor has to be filled 50% by way of promotion and 50% promotion by way of direct recruitment.

3. Learned counsel for respondents has stated that for this purpose roster has been prepared. It is averred that as on date, against 32 sanctioned posts of Senior Auditors/ Auditors, 23 Senior Auditors / Auditors are on roll. In the 20 point roster, all the existing 9 vacancies of Senior Auditors/Auditors are for direct recruitment quota. Further the respondents have averred that with existing vacancies of Senior Auditors/Auditors, there is no vacant point available in the 20 points roster for effecting promotions to Auditor cadre either in the seniority quota or in the examination quota and unless vacancies are available, the claim of applicant for promotion is not admissible under the rules. Respondents have further stated that appointment against seniority quota has already been made and at

present 9 vacancies of Senior Auditors/ Auditors are required to be filled from direct recruitment quota. Since there is no post available to the applicant against seniority quota, as such he could not be promoted. During the pendency of this OA respondents have produced a letter dated 17.10.2008 which was taken on record, whereby it was stated that applicant has been promoted under seniority quota w.e.f. 1.10.2008 and this promotion was made on the vacancy which was raised on 01.10.2008 due to retirement of one Shri Uttam Singh, Senior Auditor on 30.09.2008.

4. When the matter was listed on 12.5.2009, this Tribunal has also noticed that the applicant has already been promoted w.e.f. 1.10.2008.

5. In view of what has been stated above, since the applicant has been promoted to the post of Auditor against Seniority quota on account of availability of vacancy, we are of the view that the OA has become infructuous, which is accordingly disposed of.


(B.L. Khatri)
Member (Admn.)


(M.L. Chauhan)
Member (Jud.)

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