

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 23.11.2001

OA No.77/1996

Pooran Mal Dhanka s/o Shri Gopi Chand r/o Gautam Nagar, Plot No.10, Tonk road, Jaipur at present employed on the post of Cleaner in Geological Survey of India, 15-16, Jhalana Doongari, Jaipur.

..Applicant

Versus

1. Union of India through Secretary, Ministry of Steel and Mines, Nehru Palace, New Delhi.
2. The Deputy Director General (P), Geological Survey of India, 4, Chowrangee Lane, Calcutta.
3. The Deputy Director General, Geological Survey of India, Western Region, Jaipur

.. Respondents

Mr. Shiv Kumar, counsel for the applicant

Mr. N.C. Goyal, counsel for the respondents

CORAM:

Hon'ble Mr. S.K. Agarwal, Judicial Member

Hon'ble Mr. A.P. Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P. Nagrath, Administrative Member

The case of the applicant, who is a Group 'D' employee, is that he had appeared in the selection for the post of Lower Division Clerk (LDC) against Limited Departmental Competitive Examination (LDCE) quota, which was held on 15-16th January, 1994. He successfully cleared the written test and was placed at No.2 in order of merit, as per his own statement. It has been stated that only one person, who was at Sl.No.1 in order of merit, was promoted



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and he has not been considered. According to him 7 vacancies of LDCs occurred in the month of September-October, 1994, but he was not given posting despite his having been duly selected. The respondents conducted yet another examination for the said post of LDC vide letter dated 1.12.1994. After protesting against the said examination the applicant himself appeared but failed. He submitted a representation on 10.5.1995 seeking his promotion based on his result in the earlier examination, but his request was turned down vide letter dated 27.6.1995 (Ann.A1). Further, his representation to the Deputy Director General, Geological Survey of India, Western Region was also rejected vide order dated 20.11.1995 (Ann.A2). The applicant has filed this OA challenging these orders at Ann.A1 and Ann.A2 as also Ann.A5 dated 1.12.1994 by which next examination for the post of LDC was conducted. His prayer is that these orders be quashed and respondents be directed to promote him on the post of LDC with all consequential benefits.

2. We have heard the learned counsel for the parties and also perused the reply of the respondents. As stated by the learned counsel for the respondents, the LDCE in which the applicant had passed, was conducted only for one vacancy. Once that vacancy got filled up, nothing further was required to be done. Any vacancy occurred after that event has necessarily to be filled up by conducting a fresh selection and the same has been done in this case.

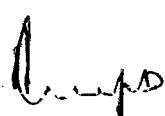
3. It is not disputed that the selection conducted



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on 15/16 January, 1994 was only for one vacancy and this is also admitted by the applicant that the person at Sl.No.1 has been posted against that vacancy. We do not find any reason for the applicant to feel aggrieved by the action of the respondents. When only one vacancy was advertised, only that vacancy could have been filled up by that selection. For any vacancy occurred after that date, it is obvious that a fresh selection is required to be conducted. There is no rule which permits persons having qualified in the earlier selection to be adjusted against vacancies which had not been taken into account for the purpose of that selection. We have also noted that the applicant participated in the next selection but failed. There is no case in favour of the applicant and this application is totally devoid of any merit.

4. The OA is dismissed as having no merits with no order as to costs.

  
(A.P. NAGRATH)

Adm. Member

  
(S.K. AGARWAL)

Judl. Member