

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

O.A. No. 593/96

Date of order: 14.11.1996.

P.N.Sharma

: Applicant

Vs.

Union of India and others

: Respondents

Mr. Rajesh Kapoor, counsel for the applicant

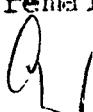
CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAYASH: MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this application under Section 19 of the Administrative Tribunal's Act, 1985, Shri P.N.Sharma has prayed that Annex A-3 dated 23.3.1994 containing letter dated 17.3.1994 by which the number of vacancies for the post of Assistant Controller of Stores was assessed at 31 may be quashed and the Panels Annexure A-1 dated 13.2.1995 and Annexure A-2 dated 14.6.1996 prepared on the basis of above assessment of the vacancies may also be quashed. He has further prayed that the respondents be directed to prepare a panel afresh for promotion to the posts of A.C.O.S. on the basis of actual vacancies existing till December, 1995 after conducting examination. His alternative prayer is that the panels Annexures A-1 & A-2 should be allowed to operate only in respect of 3 posts to be filled up on the basis of regular selection and two posts to be filled up on the basis of limited departmental competitive examination and the remaining panels should be quashed.



2. The case of the applicant in brief is that he holds the post of D.S.K. III scale Rs. 1400-2300 in the Western Railway Ajmer Division. He is eligible for promotion to the post of Assistant Controller of Stores, a Group 'B' post which is filled up on the basis of seniority-cum-suitability to the extent of 70% of the posts and on the basis of a limited departmental competitive examination upto the extent of 30%. The total number of vacancies assessed for the post of ACOS was 31 as per the letter dated 17.3.1994 issued by the Headquarters of the Western Railway, Bombay as incorporated in Annexure A-3. On the basis of this assessment of vacancies and bifurcation thereof as indicated in the aforesaid letter dated 17.3.1994, panels Annexures A-1 dated 13.2.1995 and Annexure A-2 dated 14.6.1996 were prepared. The first panel containing 12 names is for filling up of vacancies on the basis of regular selection and the second panel which contains 9 names is for filling up vacancies on the basis of limited departmental competitive examination. It is the case of the applicant that upto 31.12.1995 only a total of 5 vacancies were filled up from the panel Annexure A-1. Thus evidently the assessment of vacancies at 31 upto 31.12.1995 is erroneous. The applicant, therefore, seeks to have the assessment of vacancies by the respondents for the post of ACOS quashed, as done by Annexure A-3. The applicant states that he also submitted a representation in this regard vide Annexure A-6 which is un-dated to which he has received no reply from the respondents.

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3. During his arguments, the learned counsel for the applicant relied upon the fact of filling up of the vacancies by the respondents upto 31.12.1995 to prove that the actual number of vacancies upto 31.12.1995 was not higher and therefore the assessment of the vacancies at 31 till that date was wrong. He added that assessment of a higher number of vacancies than/actually arising upto 31.12.1995 would prejudice the case of the applicant in as much as the vacancies arising subsequent to 31.12.1995 would be filled up from amongst the names in the panels Annexures A-1 and A-2.

4. We have heard the learned counsel for the applicant and have gone through the material on record. The sole ground on which the assessment of vacancies has been assailed by the applicant is that the number of vacancies filled up upto 31.12.1995 is 5. Much the same point has been raised by the applicant in his representation to the respondents also. In our view, the filling up of the vacancies and the assessment of vacancies are two separate matters. It is possible that after assessing the vacancies the respondents chose not to fill up all the vacancies. The applicant has not presented any independent material to show that the assessment of the vacancies at 31 by the respondents was by itself erroneous. The entire case of the applicant is based on the allegation that the assessment of the vacancies was wrong and therefore the panels at Annexures A-1 and A-2

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should not be allowed to be operated further, as these are based on the assessment of vacancies as above.

5. In the circumstances, we find no merit in this application in the manner in which it has been presented. The application is, therefore, dismissed at the stage of admission.



(RATAN PRAHASH)
MEMBER (J)



(O.P. SHARMA)
MEMBER (A)