

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 384 of 1999

Jabalpur, this the 12th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Vasant Golamdas Tajnekar,
son of late Golamdas Tajnekar,
aged about 58 years, Resident of
COD, Jabalpur, MIG-36, Punit Nagar,
M.P. Housing Board Colony, Adhartal,
Jabalpur (M.P.)

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through
the Secretary, Ministry of
Defence, Government of India,
New Delhi.
2. The Director General, Ordnance
Services, MGO's Branch, Army
HQrs, New Delhi-110011.
3. Chairman/Secretary, Union
Public Service Commission,
Dholpur House, New Delhi-
110011.

... Respondents

(By Advocate - Shri S.C. Sharma through Shri Harshit
Patel)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None for the applicant. Since it is an old case of
1999, we propose to dispose of this OA by invoking the
provisions of Rule 15 of CAT (Procedure) Rules, 1987.

2. By filing this Original Application the applicant
has claimed the following reliefs :

"(i) to direct the respondents by appropriate writ
or order to promote him (applicant) with immediate
effect by giving him retrospective effect from the
earliest date in March 1993 on the post of CSO(S)
with all financial benefits in terms of the
judgment delivered by Hon'ble CAT Bench Jabalpur
in OA No. 237 of 1996 as upheld by Hon. Supreme
Court in judgement annexed with the application.

(ii) Alternatively, the applicant prays that the Hon'ble Tribunal may be pleased to direct the respondents in case for any technical reasons the applicant can not be promoted against the vacancy of the year 1993, to promote him against the vacancy which occurred due to retirement of CSO Shri Sunwalia Sahai (SC) w.e.f. 1st April 1995, from the same date with all financial benefits.

(iii) to direct the respondents not to implement the Vth Pay Commission recommendations contained in the extract enclosed above being arbitrary and unjust, aimed at to please the minority only against the majority in feeder cadre and also direct further, to fill up two vacancies of CSO(S) of the year 1997 without any further delay.

(iv) to direct the respondents to stop victimisation of Group-B Gazetted Officers i.e. OOC(S) in the matter of their promotions and career advancement by holding DPC and drawing panel well in advance of occurrence of vacancy in the promotional post so that the promotions are effected from the date of vacancy itself."

3. The brief facts of the case are that the applicant is working in the post of Ordnance Officer Civilian (Stores) and has served at various Ordnance Depots in the Ministry of Defence. He is eligible for promotion to the next higher post of Civilian Staff Officer (Stores). According to the applicant he belongs to the scheduled caste community. He has stated that for promotion to the post of Civilian Staff Officer 15% reservation for scheduled castes and 7½% reservation for scheduled Tribe are applicable. According to him he has been considered by the DPC but has not been recommended for promotion to the next higher grade. He has further stated that one Shri S.B. Singh-a junior of the applicant-belonging to general category has superseded him as he has been promoted to the higher grade. The DPC which was held ~~for~~ ^{for the vacancies} the years 1992-93 and 1993-94 has selected the following persons :

"Shri Ambar Nath Ghatak	Sr. No. 3-Gen. Cat.
Shri G. Srinivasan	Sr. No. 4-Gen. Cat.
Shri Munnilal	Sr. No. 7-S.C.
Shri Suman Bihari Singh	Sr. No. 8-Gen. Cat."

The DPC selected the above referred officials, whereby

post of Civilian Staff Officer (Stores). Aggrieved by this the applicant has filed this Original Application claiming the aforesaid reliefs.

4. The respondents in their reply have stated that the selection to the post of Civilian Staff Officer (Stores) is to be made on the basis of merit-cum-seniority. The applicant could not be promoted to the post of Civilian Staff Officer, as it is a selection post and selection is made in consultation with the Union Public Service Commission and candidates having comparative meritorious service records and seniors as per the seniority list, have been granted promotion. He has further stated that at the time of drawing promotion panel for the year 1992-93 and 1993-94 in March 1994 the number of vacancies were as under :

Year	General	SC	ST	Total
1992-93	2	1*	--	3
1993-94	1	--	--	1

* Point No. 28 in the roster"

It can be seen from the above that one vacancy of reserved scheduled caste was filled up by one Shri Munnilal who was although junior to the applicant but was selected as his assessment was better than the applicant. The applicant has been considered by the DPC but could not be selected and recommended for promotion as he was awarded lower grade on the basis of his confidential reports. Accordingly, the OA is without any merit and is liable to be dismissed.

5. Heard the learned counsel for the respondents and perused the records carefully.

6. We find that the post of Civilian Staff Officer is a selection post and promotion to the said post is made by holding a DPC with consultation with the Union Public

Service Commission. The applicant has got lower grade and

the persons who were awarded higher grade² were selected and appointed to the said post. The learned counsel for the respondents submitted a copy of the minutes of the meeting of the DPC held on 18th March, 1994 in the office of the Union Public Service Commission. We find from the record that the committee considered the question of selection of officers for officiating promotion to the grade of Civilian Staff Officer (Stores), Army Ordnance Corps, Ministry of Defence. There were three vacancies during the year 1992-93, two for general, one for scheduled caste and there was only one vacancy for the year 1993-94 which was earmarked for general category. The applicant has been considered for the post of Civilian Staff Officer for the year 1992-93 and 1993-94. For both these years he has been assessed as good. Although there was one vacancy earmarked for candidate belonging to scheduled caste community in the year 1992-93, one Munni Lal belonging to scheduled caste community, who was junior to the applicant but was graded as outstanding, has been included in the panel of selected candidates. As per the DPC guidelines the persons categorized as outstanding will rank first followed by very good and good. Although in this case, the bench mark is good, the persons who have been graded as outstanding and very good will supersede the persons who have² been assessed as good. In this case, the applicant for both the years^{has 2} have been assessed as good and the persons who^{have 2} have been assessed as outstanding and very good have been included in the panel. Therefore the applicant does not have any claim to be included in the select panel for the post of Civilian Staff Officer.

M/K

7. For the reasons recorded above the Original Application does not have any merit and is accordingly dismissed. No costs.


(G. Shanthappa)
Judicial Member

(M.P. Singh)
Vice Chairman

"NSA"

पृष्ठांक सं ०६/११११..... जयपुर, दि.....
प्रतिनिधि.....

- (1) श्रीमान् नारायण दास लाल शर्मा, जवतपुर
 (2) श्रीमान् विष्णु ... के काउंसलर of Nandoo
 (3) श्रीमान् विष्णु ... के काउंसलर SC Shamsher
 (4) श्रीमान् ...
 सूचना एवं आचार्य काउंसलर हेतु
 Brijindas
 उच्च न्यायालय काउंसलर

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