

(93)

27.4.2011 Mr. C. B. Sharma, Counsel for applicant.
Mr. V. S. Garg, Counsel for respondents.

Held learned counsel for the parties.

The on stand dismissed, by a separate order.

Anil Kumar
(Anil Kumar)
M(A)

H. S. Garg
(Justice U. S. Rathore)
M(D)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 27th day of April, 2011

ORIGINAL APPLICATION NO. 118/2008

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Bhag Chand Shrimal son of Shri Mohan Lal Shrimal, aged about 42 years, resident of Quarter Type II/54, CSWRI, Avika Nagar, Malpura, District Tonk and presently working as Senior Clerk, Central Sheep & Wool Research Institute, Avikanagar, District Tonk.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through Secretarty, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
2. Director, Central Sheep & Wool Research Institute (CSWRI), Avika Nagar, District Tonk.
3. Senior Administration Officer, Central Sheep & Wool Research Institute (CSWRI), Avika Nagar, District Tonk.
4. Shri M.A. Khan, Assistant Audit and Account Section, Office of Director, Central Sheep & Wool Research Institute (CSWRI), Avika Nagar, District Tonk.

.....Respondents

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

The present OA is directed against the order dated 23/24.04.2007(Annexure A/1) and prayed for relief that the respondents be directed to promote the applicant to the post of Assistant, scale Rs.5500-9000/-, from the post of Senior Clerk, scale Rs.4000-6000/-, from the date respondent no. 4 was so promoted



with all consequential benefits including arrears of pay & allowances after due fixation of pay.

2. Brief facts of the case are that the applicant was initially appointed as Junior Clerk on 21.07.1986 and thereafter he was promoted as Senior Clerk in the scale of Rs.4000-6000/- on 27.02.1999. The next promotion was of Assistant in the scale of Rs.5500-9000/-. In response of circular dated 23.03.2006 by which applications were invited for the post of Assistant in the scale of Rs.5500-9000/- through limited departmental competitive examination quota, the applicant applied for the same and appeared in the examination conducted from 18.12.2006 to 19.12.2006. The grievance of the applicant is that the respondents without declaring the result of the examination conducted from 18.12.2006 to 19.12.2006 promoted respondent no. 4 to the post of Assistant in the scale of Rs.5500-9000/- vide order dated 23/24.04.2007. Aggrieved and dis-satisfied with the action of the respondents regarding his non selection, the applicant preferred this present OA.

3. Having heard and considered the reply submitted on behalf of the respondents, vide order dated 18.04.2011, we deemed it proper to direct the respondents to submit ACR and result sheet of the applicant on the next date of hearing for perusal and the same was placed before us today. We have thoroughly examined the relevant documents so submitted by the respondents. As per the statement of marks obtained by the candidates in the Limited Departmental



Competitive Examination for the post of Assistant in the pay scale of Rs.5500-175-9000/-, it is evident that respondent no. 4, M.A. Khan, Sr. Clerk, his name find mentioned at sr. no. 2 and looking to the result, it appears that out of 8 candidates, M.A. Khan had secured 304 marks whereas the applicant had only obtained 272 marks. We have also perused the gist of ACRs submitted by the respondents. In respect of M.A.Khan, he had throughout graded 'Very Good' and 'Outstanding' whereas in the gist of ACRs of the applicant for the five years, from 2002 to 2005 he had been graded 'Average' and only in the year 2006, he ranked 'Good' and in 2007, he ranked 'Very Good'. Learned counsel for the applicant was also allowed to peruse the same but he contended that the ACR drawn by the reporting officer is 'Good' but Reviewing Officer had graded him 'Average'. Be that as it may, though the applicant has raised grievance regarding the ACR without claiming such relief and it is not the subject matter of the present OA. In the present OA, the applicant only challenged that respondent no. 4 was less meritorious in his comparison and he had been wrongly promoted to the post of Assistant in the pay scale of Rs.5500-9000/-. For that purpose, as discussed hereinabove, we had examined the result sheet and ACR of the applicant. Admittedly, respondent no. 4 was more meritorious in comparison to the applicant and secured highest marks out of the 8 candidates i.e. 304 whereas the applicant had secured only 272 marks. It is also pertinent to mention here that Shri S.R. Jat, whose name find mentioned at sr. no. 1, had also secured 298 marks, more than the marks obtained by the applicant. Thus in any manner, we do not find any merit in this present OA and



the present OA being bereft of merit deserves to be dismissed and the same is hereby dismissed with no order as to costs.



(ANIL KUMAR)
MEMBER (A)



(JUSTICE K.S. RATHORE)
MEMBER (J)

AHQ