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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 110/2004
OA NO. 911/2003

This the 15th day of July, 2004

HON'BLE SH. V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Ram Prasad
S/o Sh. Matadin
Boatman, CD-II,
Amar Park, Rohtak Road,
Delhi.

(By Advocate: Sh. Mukesh Kumar proxy for
Sh. Naresh Kaushik)

Versus

1. Sh. P.K.Tripathi,
through its Development Commissioner-
cum-Flood Secretary,
5/9 Under Hill Road,
Rajpura Road, Delhi.
2. Sh. A.K.Gupta,
Chief Engineer (I&F),
Govt. of NCT of Delhi,
4th Floor Maharana Pratap Bhawan (SBT)
Kashmiri Gate,
Delhi-110006.
3. Sh. V.K.Jain,
Executive Engineer,
CD-II, Irrigation & Flood
Control Department,
Govt. of NCT of Delhi, Delhi.

(By Advocate: Sh. Vijay Pandita)

O R D E R (ORAL)

By Sh. V.K. Majotra, Vice Chairman (A)

OA-911/2003 was allowed with the following directions
to the respondents:-

"5. Without expressing any opinion on the merits of the claim of the applicant, we direct the respondents to consider the claim of the applicant while filling up the vacancy caused due to retirement of one Shri Ram Bharose, which is stated to be still lying vacant. If the applicant is found eligible and suitable for the post of Motor Board Operator, he may be considered for his promotion to the post

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of Motor Board Operator which fell vacant on superannuation of Shri Ram Bharose.


6. In view of the directions in the preceding paragraph, the OA is allowed without any order as to costs."

2. Learned counsel of the applicant stated that respondents have promoted several junior persons who were working as Boatman to the post of Motor Boat Operator. Respondents have not promoted the applicant on post of Motor Boat Operator against the vacancy caused due to superannuation of Sh. Ram Bharose. Respondents have not considered the applicant within a reasonable time of the directions for promotion.

3. On the other hand, respondents have pointed out that the post of Sh. Ram Bharose is still vacant as recruitment rules in the department for the post of Work Charged Motor Boat Operator are still under contemplation and have not been finalised. As such the applicant has not yet been considered for promotion to the post of Motor Boat Operator. As and when the recruitment rules are finalised the applicant would be considered for promotion as per directions of this Court.

4. In view of the explanation rendered on behalf of the respondents, we do not find any disobedience on the part of the respondents. CP is dismissed. Notices to the respondents are discharged.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Vice Chairman (A) 15.7.07

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