

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**ORIGINAL APPLICATION NO.060/01130/2019
Chandigarh, this the 3rd day of December, 2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Manjit Monga W/o Sh. Rajesh Monga, aged about 52 years, working as Stenographer, presently posted at Sports Authority of India, Regional Centre, Sector 42, Hockey Stadium, Chandigarh.

....Applicant

(Present: Mr. Manu K. Bhandari, Advocate)

Versus

1. The Union of India through Secretary to Government of India, Ministry of Youth Affairs and Sports, Shastri Bhawan, New Delhi.
2. The Sports Authority of India through its Secretary, Jawahar Lal Nehru Stadium Complex, East Gate, Lodhi Road, New Delhi.
3. The Director, Sports Authority of India, Hockey Stadium, Sector 42, Chandigarh.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has sought issuance of a direction to the respondents to promote her to the post of Personal Assistant w.e.f. 01.01.2019, the date she has been performing the duties of the said post.
2. Heard.
3. Learned counsel argued that the applicant has been working on the post of Stenographer with the respondent department for the last 27 years and is fully eligible for promotion to the post of Personal Assistant. He further submitted that on the demise of one Sh. J.L. Verma on 30.08.2018, who was working as Personal



Assistant, one post of P.A. has fallen vacant, therefore, the applicant being fully eligible for the post be promoted.

4. On a query posed by the Bench, learned counsel very fairly submitted that as per rules, there is no post of Personal Assistant in the Chandigarh Division of the department, which is also clear from letter dated 24.07.2019 showing vacancy position in the department (Annexure A-15). Therefore, when the post of Personal Assistant does not even exist in the Chandigarh Division, no order can be issued to make promotion against such non-existent post.
5. Learned counsel, at this stage, alleged discrimination against the applicant. He submitted that already against the sanctioned 7 available posts in total at Chandigarh Division, as many as 42 persons have been working, but the case of the applicant for promotion to the post of P.A. in excess to the vacancy position has been rejected on the ground of non-availability of vacancy. Relief on the basis of such averment and negative equality, we are afraid, cannot be granted in law.
6. In view of the above, the O.A. is found to be devoid of merits and is dismissed as such. No costs.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 03.12.2019

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