

**HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

HON'BLE SMT JUSTICE ANIS

WRIT PETITION No.4976 OF 2015

O R D E R: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This Writ Petition is preferred by the Union of India, the Surveyor General of India and the Secretary, Union Public Services Commission, calling in question the correctness of the Order dated 30.10.2014 passed by the Central Administrative Tribunal, Hyderabad Bench, in Original Application No.888 of 2013.

The first respondent herein was the applicant before the Central Administrative Tribunal. It is not in dispute that he was initially recruited by the Union Public Service Commission to the post of Deputy Superintending Surveyor, a Group-A post in junior time scale on 22.10.1999. He was promoted to the senior time scale post of Superintending Surveyor on 15.07.2004. Thereafter, the case of the first respondent herein was not considered for further promotion to the post of Deputy Director (Junior Administrative Grade), though he is otherwise senior and is also maintaining the necessary quality of service. Merely because the petitioners herein have not convened the selection process, his case for promotion as a Deputy Director (Junior Administrative Grade) has not been taken up. In those set of circumstances, the Central Administrative Tribunal has allowed the Original Application and directed the petitioners herein to convene the Departmental Promotion Committee for the purpose of promotion to the post of Deputy Director/Director and to consider the case of the first respondent herein, as per the Recruitment Rules 1989 within a period of two months.

Having said so, the counsel appearing on behalf of the Assistant Solicitor General Sri B. Narayana Reddy, would submit that this

direction issued by the Central Administrative Tribunal is wrongful.

What the Tribunal recognized was is a right for consideration of his case for a promotion and that is what exactly has been accorded by the Tribunal. Hence, we do not find any infirmity in the direction issued by the Tribunal warranting interference at our hands.

Every Public Servant, it is well to remember, has a right to be considered for promotion to the next higher post if a vacancy is available. Against an existing vacancy, the case of the first respondent has to be considered. Therefore, we do not find any warrant for admitting this case.

Accordingly, the Writ Petition is dismissed at the stage of admission. No order as to costs. The miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

Date: 04.08.2015

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