

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.9925 of 2000 (O&M)
Date of decision: 29.03.2017**

Paruchuru Radha Krishna Murty

.... Petitioner

Vs.

Food Corporation of India & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. H.S.Dhandi, Advocate
for respondents No.1 to 4.

RAJIV NARAIN RAINA, J. (ORAL)

This petition was filed in the year 2000 claiming promotion to the post of Deputy Manager (Q.C.).

As per office note, the petitioner could not be served due to retirement from service. His address is not known. In the petition, the address is not mentioned the only clue is his designation. When the petitioner filed an affidavit in support of petition he did not give his permanent address as though he was a very famous person who everyone should know even down 17 years to send him an invitation on a silver platter.

I have examined the issues involved in this case with the assistance of counsel for the respondent FCI and would observe that having regard to the first preliminary objection taken by the FCI in its return that the post of Deputy Manager (Q.C.) is a selection post the petitioner cannot

succeed on seniority alone. As per Regulation 10 (ii) of the FCI Staff Regulations 1971 promotions in respect of selection posts, are done on the basis of merit, seniority being considered only when merit of the contending candidate is approximately the same. Based on this criteria, the DPC for the year 1993 considered the case of the petitioner but discovered he did not achieve merit selection for promotion to the post of DM (Q.C.) due to low merit rating in a criterion involving achieving benchmark from grading in past ACRs. No panel for promotion to the post of DM (Q.C.) was drawn in the year 1994, 1995 and 1996. In the year 1997, the petitioner was again considered for promotion, but the findings were kept in sealed cover as in the meanwhile two vigilance cases were pending against him. In one of the vigilance case, the petitioner was awarded penalty of censure and, therefore, the recommendation of the DPC could not be acted upon on the fetters placed in the way of promotion.

It is well settled that in considering promotion to a selection post, a junior can supersede a senior on merit.

In view of this factual position, the petitioner could not harbour any legitimate grievance or expectation by being passed over for sufficient reason. He had only a right of consideration which was not denied to him.

Accordingly, the present petition is found without merit and is ordered to stand dismissed.

However, since the petitioner has not been heard in the making of this order it is ordered that limitation for filing appeal or approaching this Court in a review application will not run till the petitioner has knowledge

of this order for which may be brought to his notice by the respondent Food Corporation of India, on whom the duty and obligation lies.

(RAJIV NARAIN RAINA)
JUDGE

29.03.2017
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1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No