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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. NO.1551/2002

New Delhi this the 6th day of June, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Shri Girdhari Lal
S/o Late Shri Chhajju Ram
R/o C-3A/36B, Janakpuri
New Delhi-110 058. Applicant

(Dr.J.C.Batra, Sr. Advocate
with Shri Satish C.Sharma,
Advocate)

-versus-

1. Union of India
Through the Secretary to the Govt.of India
Ministry of Commerce & Industry
Department of Commerce (Supply Division)
Nirman Bhawan
New Delhi-110 011.
 2. The Director General
Directorate General of Supplies & Disposals
Jeewan Tara Building, No.5
Sansad Marg
New Delhi-110 001.
 3. Shri A.K.Saxena
S/o Shri K.P.Saxena
Director Supplies (P&C Dte.)
Directorate General of Supplies & Disposals
Jeewan Tara Building
5, Sansad Marg
New Delhi-110 001.
 4. Shri S.Farukh Hamid
S/o Late Sh.A.Sahul Hamid
Director (JAG)
Ministry of Health and Family Welfare
(Department of Family Welfare)
Nirman Bhawan 'A' Wing
New Delhi.
 5. Shri Chandan Singh
S/o Late Sh.Durga Prasad
Director (Supplies)
Directorate of Supplies & Disposals
6, Esplande East
Kolkata-700 069. ... Respondents
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S.A.T.Rizvi:-:-

Applicant who happens to a SC candidate was appointed as Assistant Director (Supplies) Grade-I on 22.12.1970 and was thereafter promoted as Deputy Director on regular basis on 20.11.1975 by giving the benefit of reservation in terms of the Policy of ² reservation of ² of the Government issued on 27.11.1972. Later again by giving him the benefit of reservation, the applicant was promoted as Director on regular basis on 9.3.1984. No promotion has been given to him thereafter even though according to the recruitment rules, he became eligible for promotion to the ² higher ~~category~~ post of Deputy Director General in 1992. The applicant's juniors have, however, been promoted to the aforesaid post in 1995, 1998 and thereafter in 1999. The respondents are in the process of making further promotion to the post of Deputy Director General. The applicant's claim for promotion has been ignored all these years by giving him wrong seniority. The applicant has been shown as junior to those who were junior to him in the seniority list issued by the respondents on 4.1.2001, 4.9.2001, 8.11.2001, 7.12.2001 and 28.1.2002. Those who have been shown senior to him in the aforesaid seniority lists belong to the general category. ² (General category) They have apparently been given the advantage of a number of court decisions on the subject, all of which have been ² recently ~~annulled~~ ² annulled by the Constitutional amendment carried in

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September 2001. The aforesaid Constitutional amendment has been translated into detailed instructions issued by the DOP&T ~~issued~~ on 21.1.2002 (Annexure A-18). These provide that ^{2 after} the aforesaid Constitutional amendment, ^{2 the result of} will take effect from 17.6.1995. The learned counsel appearing on behalf of the applicant submits that if one has regard to the aforesaid Constitutional amendment and the aforesaid instructions issued by the DOP&T, the seniority position of the applicant will undergo a change in his favour ^{2 and in consequence of} and thereby he could be considered for promotion to the next higher post of Deputy Director General. He has accordingly filed representations ^{the} last of which is dated ³ 22.5.2002 (Annexure A-23), ^{without any response so far.}

2. Having regard to the submissions made by the learned counsel and the aforesaid facts and circumstances, we find that the interest of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representations filed by the applicant and to pass a reasoned and a speaking order thereon expeditiously and within a maximum period of three months from the date of receipt of a copy of this order. We direct accordingly.


3. In the peculiar circumstances of the case, we further lay down that promotions if any made to

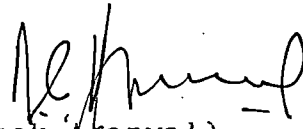
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the post of Deputy Director General will be subject to orders to be passed by the respondents as above.

4. Present OA is disposed of in the aforestated terms.

Issue dasti.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

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