

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2186/2002

New Delhi this the 21st day of August, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri S.A.T.Rizvi, Member (A)

Sh. Subhransu Sekhar Mahapatra  
S/0 Sh. Girish Chandra Mahapatra  
R/0 Flat No. A-7, MS Flats  
Behind PS Tilak Marg, New Delhi.

..Applicant

(By Advocate Shri C.L.Dhawan )

VERSUS

1. Union of India through the Cabinet Secretary, Govt. of India, Rashtrapati Bhawan, New Delhi.
2. Secretary, Research and Analysis Wing (RAW) Cabinet Secretariat, Govt. of India Room No. 7, Bikaner House Annex, Shahjahan Road, New Delhi.
3. Shri Neeraj Srivastava, RAS Office, Cabinet Sectt. Shahjahan Road, New Delhi.
4. Shri Krishan Verma Joint Secretary, Cabinet Secretariat, Room No. 7, Bikaner House Annex, Shahjahan Road, New Delhi-11
5. Shri Rabinder Singh, Jt. Secretary, Cabinet Secretariat, Room No. 7, Bikaner House Annex, Shahjahan Road, New Delhi-11

.. Respondents

(Respondent No 3 to 5 are to be served through Secretary, Research & Analysis Wing, Cabinet Secretariat, Govt. of India, Room No. 7, Bikaner House Annex, Shahjahan Road, New Delhi.

O R D E R (ORAL)

(Hon'ble Shri S.A.T.Rizvi, Member (A)

After being recruited/appointed in the Central Police Organisation in 1972, applicant joined the Research and Analysis Wing (RAW) in October, 1984. In RAW, he has been given 1976<sup>as</sup> the year of his seniority. He was accordingly promoted to the post of Director in RAW on 14.10.1996 in accordance with the relevant Recruitment Rules. The applicant thereafter became eligible for promotion to the post of Joint Secretary in Grade III in 1997. The DPC

D  
N

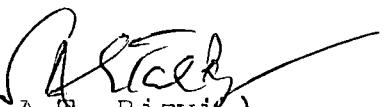
meeting held in that year confined itself to 1975 batch of RAW and, therefore, the applicant's case could not be considered. The respondents have thereafter held another DPC meeting in the year 2000 to consider the claim of 1976 and 1977 batches of RAW officers. The applicant's case was, however, not considered. Learned counsel appearing on behalf of the applicant submits that it is likely that the applicant's claim was not considered due to <sup>a</sup> certain recordable warning administered to him by Memo dated 29.3.2000 (Annexure A 1). However, the same has been withdrawn by the respondents by letter dated 7.3.2001 (Annexure A-8). The applicant's case is now that since the aforesaid recordable warning has been taken off, it should now be possible for the respondents to consider his claim for promotion to the post of Joint Secretary in the next DPC scheduled to be held on 26.8.2002.

2. Non-consideration of applicant's claim prompted the applicant to serve <sup>a</sup> legal notice on the respondents on 14/26.6.2002 (pages 49-51 of the paper book). To this notice, there has been no response so far. The applicant apprehends that the respondents will go ahead with the aforesaid DPC and this time also, the respondents are likely to ignore the applicant's claim. Learned counsel submits that the applicant's juniors have been promoted by/respondents vide order dated 3.11.2000 and, therefore, the applicant's claim should be considered for promotion as Joint Secretary from the date his juniors have been promoted.

(2)

3. Having regard to the submissions made by the learned counsel and the aforesated facts and circumstances, we are inclined to dispose of this present OA at this very stage even without issuing notices to the respondents with a direction to consider the aforesaid legal notice and to pass a reasoned and a speaking order thereon by taking into account also the contents of the present OA, as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly. We further direct that the order to be passed be communicated to the applicant.

4. The present OA is disposed of in the aforesated terms.

  
( S.A.T. Rizvi )

Member (A)

  
( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

sk