

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1509/2001

New Delhi, this the 5th day of July, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Ajay Yadav  
Assistant Grade-II  
Land and Buildings Department  
Govt. of National Capital Territory of Delhi  
House No. 189/2, Prem Nagar  
Opposite Telephone Exchange  
Gurgaon (HARYANA).

...Applicant

(By Advocate Shri S.N.Anand)

**V.E.R.S.U.S**

1. The Chief Secretary  
Government of National Capital  
Territory of Delhi,  
Services-I Department  
Delhi Sachivalaya : 7th Floor,  
"B" Wing, IP Estate : New Delhi.
2. The Secretary (Services)  
Government of National Capital  
Territory of Delhi,  
Services-I Department  
Delhi Sachivalaya : 7th Floor,  
"B" Wing, IP Estate : New Delhi.

...Respondents

(None present)

**ORDER (ORAL)**

BY HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

We have heard Shri S.N.Anand, learned counsel for the applicant. In this case the applicant is aggrieved by the order passed by the respondents dated 20-4-2001.

2. Shri S.N.Anand, learned counsel has submitted that the respondents have failed to consider the case of the applicant for promotion on ad hoc basis to the post of Grade I, Delhi Administration Subordinate Service ("D.A.S.S." for short) in terms of the DOPT's OM dated 14-9-1992. The applicant had filed an earlier OA (OA No. 623/2000) which was

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disposed of by order dated 5-2-2001 by this Bench. In that order the respondents were directed to re-examine the case of the applicant in terms of the Govt. of India DOPT's OM dated 14-9-1992 and pass a reasoned and speaking order. In accordance with the Tribunal's directions, the respondents have passed the present impugned order dated 20-4-2001.

3. Learned counsel for the applicant has submitted that the respondents have not examined the case of the applicant for ad hoc promotion, which is his main claim, during the pendency of the criminal case against him in a corruption matter. We are unable to agree with this contention. It is evident from a perusal of the order dated 20-4-2001 that in terms of the aforesaid directions of the Tribunal in OA 623/2000 and the DOPT's OM dated 14-9-1992, the competent authority has examined the applicant's case for considering his appointment to the post of Gr.I D.A.S.S. on ad hoc basis.

4. The next contention of the learned counsel for the applicant was that the examination of the applicant's case for promotion on ad hoc basis has not been done in accordance with the provisions of the DOPT's OM dated 14-9-1992. This argument cannot also be accepted in view of the detailed reasons given by the respondents in paragraph 8 of the impugned order. This shows that the respondents have examined the case of the applicant, that is, the desirability of giving him ad hoc promotion, keeping in view the criteria laid down in paragraph 5 (a) to (e) of the OM. It is nobody's case that the applicant is not a co-accused

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in a criminal case with two others in a corruption case of demand and acceptance of bribery which is indeed a grave offence. The submissions of Shri S.N.Anand, learned counsel that the applicant is not the person who had directly demanded and accepted the bribe money but he has only been named by another accused, cannot be accepted. The applicant is one of the co-accused in the corruption case. Therefore, in the facts and circumstances of the case, the reasons given by the respondents in the order dated 20-4-2001, inter alia, that as the applicant is involved in a corruption case, it would be definitely against the public interest or that the charges are grave or there is an apprehension that he might influence the witnesses if promoted are reasonable and certainly not arbitrary. We are, therefore, of the view that in the facts and circumstances of the case, there is no illegality and arbitrariness in the impugned order dated 20-4-2001, and there is no justification to interfere in the matter.

5. In the result for the reasons given above, as not even a prima facie case has been made out by the applicant, the OA is dismissed in limine.

(GOVINDAN S. TAMPI)  
MEMBER (A)

(SMT. LAKSHMI SWAMINATHAN)  
VICE-CHAIRMAN (J)

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