

Central Administrative Tribunal, Principal Bench

Original Application No.2812 of 2001

New Delhi, this the 16th day of October, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

G.S. Muraleedharan  
Flat No.8/E, Pocket B-8  
Mayur Vihar, Phase-III  
Delhi-110096

- Applicant

(Appeared in person)

Versus

Union of India, through

1. The Secretary to Govt. of India  
Ministry of Textiles  
Udyog Bhawan, New Delhi
2. Textile Commissioner  
Ministry of Textiles, Govt. of India  
New CGO Building, New Marine Lines,  
Mumbai-400020
3. Director  
Regional Office of the Textile Commissioner  
M-7, Sector-11, Noida
4. Chairman  
Union Public Service Commission  
Shahjahan Road, New Delhi-110011
5. Shri V. Muralikrishna  
Assistant Director  
Regional Office of the Textile Commissioner  
1254, Mettupalayam Road  
Coimbatore-641043
6. Shri N. Balakrishnan  
Assistant Director  
Office of the Textile Commissioner  
New CGO Building, New Marine Lines,  
Mumbai-400020
7. Shri Ghanshyam Rao  
Assistant Director  
Regional Office of the Textile Commissioner  
Peoples Co-operative Bank Building  
Bhadra, Ahmedabad

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

  
Applicant had earlier been promoted as  
Assistant Director Grade-I (Non-Tech), Class-I Gazetted on

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ad-hoc basis during the period 9.4.92 to 8.4.94. A DPC for selection to the aforesaid post of Assistant Director Grade-I (Non-Tech) was held on 16.11.94 wherein candidates junior to the applicant have been selected and promoted to the aforesaid post whereas applicant has been left out. Placing reliance on a decision of the Supreme Court in the case of Dinesh Kumar vs. Union of India & ors. at Annexure 'A' (page 19), it is inter alia submitted that if an officer has held a promotional post on ad-hoc basis, while comparing his case with others who are in the feeder cadre, his ACR has to be upgraded by one grade. It is the apprehension of the applicant that while considering his claim for the aforesaid promotion, aforesaid decision has not been taken into account. Applicant, in the circumstances, has submitted his representation on 3.5.2001 to the Ministry of Textiles, which in turn vide its memo of 29.6.2001, has stated that the DPC has been conducted by the U.P.S.C. and that the Ministry of Textiles has had no role to play in the matter of considering the claims for promotion. Applicant, in the circumstances, has instituted the present OA wherein he has also impleaded the UPSC, respondent no.4.

2. Having regard to the aforesated facts and circumstances of this case, we find that interests of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices with a direction to respondent no.4 to consider the present OA of the applicant as his representation and pass a speaking and



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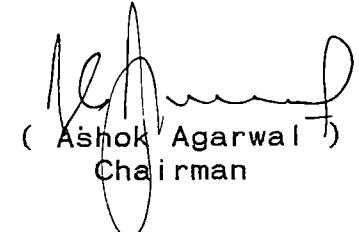
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reasoned order on the claim contained herein within a period of eight weeks from the date of service of a copy of this order. We direct accordingly. Present OA is disposed of in the aforesated terms.



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

/dkm/



( Ashok Agarwal )  
Chairman