

(9)
Central Administrative Tribunal
principal Bench: New Delhi

O.A. No. 3270/2001

This the 23rd day of August, 2002

Hon'ble Shri M.P. Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Malkhan Singh
S/o Late Shri S.K. Singh
R/o WZ-429, A/C-45,
Naraina, New Delhi-110028.

-Applicant

(By Advocate Shri George Paracken)

-Versus-

1. Union of India through
its Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan,
New Delhi-110001.
2. Director
Publication Division
Ministry of Information and Broadcasting
Patiala House Courts,
New Delhi-110001
3. Director
Staff Inspection Unit
M/o Finance
Dept of Expenditure
5th Floor, Lok Nayak Bhawan,
New Delhi-110003

-Respondents

(By Advocate: Shri A.K. Bhardwaj)

O R D E R

Mr. Shanker Raju, Member (J)

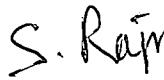
Applicant in this OA has impugned respondents' order dated 30.8.2001 whereby he has been promoted from the post of Sales Representative to the post of Business Executive in the pay scale of Rs.5500-9000 and has sought upgradation of the post of Sales Representative to that of Marketing Representative in accordance with the agreed report of SIU w.e.f. 22.8.94, with all consequential benefits including arrears on consideration for further promotion to the post of Assistant Business Manager. From the pleadings it is found that against the impugned order applicant preferred a representation on 5.9.2001. As the same was not disposed of applicant has approached this court without even awaiting

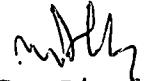
for the statutory period of six months and filed this OA on 4.12.2001.

2. Meanwhile the respondents rejected the representation of the applicant by office Memorandum dated 12.2.2002, rejecting the request of the applicant for predating the appointment in the grade of BE in DPD w.e.f. 1994.

3. We have carefully considered the rival contentions and perused the pleadings. In view of the fact that there has been no challenge to the order dated 12.2.2002, the relief sought by the applicant cannot be independently considered and accorded to him unless the said order is impugned, set aside and quashed. For this it is necessary that the same should be impugned in the OA and relief to this effect is sought.

4. The OA is, therefore, dismissed with liberty to the applicant to pursue his remedies in accordance with law, if so advised. No costs.


(Shanker Raju)
Member (J)


(M.P. Singh)
Member (A)

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