

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2020/98

(7)

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 9th day of October, 2000

Shri V.K.Patel
s/o Shri Sita Ram Patel
working as Asstt. Director (Tech)
in I.B., MHA, New Delhi
r/o 778, Sector-III
R.K.Puram
New Delhi.

... Applicant

(By Shri A.K.Trivedi, Advocate)

Vs. /

1. Union of India through
its Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. The Director
Intelligence Bureau
Ministry of Home Affairs
Govt. of India
New Delhi.
3. The Assistant Director
Intelligence Bureau
MHA, GOI, New Delhi. .. Respondents

(By Shri Rajeev Bansal, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

The only grievance of the applicant in this case is that he should have been promoted in 1988 to the post of Assistant Director on the principle of Next Below Rule (NBR). To state the facts: The applicant was initially appointed in the office of the respondents as Inspector (Technical) in 1970 and subsequently he was promoted to the post of Assistant Technical Officer and thereafter Technical Officer(TO) in IB in 1976 and 1981 respectively. While working as TO, he was sent on deputation to Special Protection Group (SPG), New Delhi in 1985. When he was on

deputation, he was promoted to the post of Assistant Director (Technical) by order dated 10.6.1988 and was posted at Chandigarh. But he declined promotion as he could not join at Chandigarh. He requested for NBR promotion in his parent department. He was subsequently promoted on 30.4.1989, when he joined as Assistant Director (Technical) in the office of SIB, Chandigarh after his relief on 19.5.1989. It is the case of the applicant that the seniority list of Assistant Director (Technical) was circulated in 1996 where his name was shown below to his juniors in the post of Technical Officer. He therefore made representations that his seniority should be fixed w.e.f. 1988. That representation has been rejected in the impugned order dated 7.8.1998.

2. It is the case of the respondents that the applicant had declined promotion given to him in June, 1988 as he has decided to continue in the SPG, New Delhi and he was willing only to join in Delhi on promotion. Hence the applicant was not considered for promotion in 1988 and consequently the applicant's junior has been promoted in his place and the applicant was therefore not entitled for promotion in 1988 or for the seniority w.e.f. 1988.

3. We do not find any merit in this case. On his own volition the applicant has declined his promotion in 1988 and has decided to continue in SPG, New Delhi. As the applicant has declined his promotion his junior has been promoted in 1988 and thus he lost his position in the seniority list in the post of Assistant Director (Technical). We do not

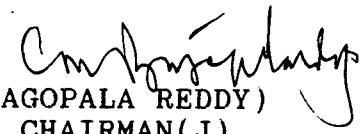
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find any infirmity in the seniority list. The OA ~~is~~ accordingly fails and is dismissed with costs of Rs.1000/- The cost should be paid to the CAT Bar Association for the purpose of CAT Bar Library, within a period of four weeks from the date of the receipt of the order.


(GOVINDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/