

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(A)

O.A. No. 1950/95

Date of decision 20-12-1995

Hon'ble Shri N.V. Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri R.S.D. Tayal
son of Shri Lakshi Ram,
working as Accounts Officer,
resident of J-140, Kartar Nagar,
Delhi-110053

(By Advocate Shri T.C. Aggarwal) ... Applicant

Vs.

Union of India, through

1. Secretary to the Govt. of India.
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001

2. The Director General,
Dte. of Advertising & Visual Publicity,
P.T.I. Building, Parliament S-treet,
New Delhi-110001

... Respondents

(By Advocate Shri V.S.R. Krishna)

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Acting Chairman)

The applicant has approached us by stating that for the post of F.A. & C.O., the primary method is by promotion failing which alone respondents can go for deputation. He alleges that, without exhausting the method of promotion, which is prescribed by the Recruitment Rules, the resort to deputation is bad.

2. Notice was issued to the respondents. Reply has been filed. Matter has been heard.

3. The Recruitment Rules admittedly require that

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(5)

for purpose of promotion, the candidate should be an Accounts Officer of the Directorate of Advertising and Visual Publicity with 7 years regular service in the grade.

4. In the O.A. it is stated that the applicant was holding the post of Accounts Officer from 12.5.1986 on an officiating basis and that he was given regular appointment as Accounts Officer only from 13.3.1991. Therefore, the applicant does not, admittedly satisfy the eligibility conditions for promotion.

5. In this regard, learned counsel for the applicant submits that there are a number of judgments to show that if regularisation is done following officiation on the post, the regularisation should be given back effect.

6. That is not the issue in this case. If he is aggrieved that he should have been regularised from 1986 he should have taken action to obtain such a declaration instead from 13.3.1991.

7. Therefore, he is not eligible to be considered for promotion. Respondents are entitled to fill up these post by deputation. Application is dismissed. Interim direction issued in this case earlier is vacated.

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(b)

8. We make it clear, however, that it is open to the applicant to seek redress of the grievance, if any, regarding the date of regularization, in accordance with law, if so advised.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

N.T. Krishnan

(N.T. Krishnan)
Acting Chairman

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