

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.549/95.

New Delhi: this 6th day of September, 1996.

HON'BLE MR.S.R.ADIGE MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Shri D.P.Srivastava,
Director (GP) TCHQ,
Sanchar Bhawan,
Dept. of Telecommunication,
New DelhiApplicant.

By Advocate: Shri A.K.Sinha.

Versus

Union of India,
through Secretary,
M/o Telecommunications,
Sanchar Bhawan,
New Delhi.Respondents.

By Advocate: Shri M.M.Sudan.

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER (A).

Heard.

2. The applicant has sought setting aside of the impugned order dated 21.10.94 and for a direction to the respondents to take recourse to the sealed cover procedure in his case. Respondents in their reply have stated that the promotions made on the basis of the impugned order dated 21.10.94 were only adhoc promotions and the applicant's name was considered by the Screening Committee on 27.9.94, but he was left unassessed owing to incomplete ACRs. On receipt of his complete ACRs, his case was considered on

(16)

2.2.95, but as vigilance clearance had been withheld, the Screening Committee found him not fit for promotion.

3. On 2.8.96 when the matter was heard in part, Departmental Representative Shri S.N. Anand, Asstt. Director General(Legal) who was present in the court, had stated that the applicant's case for regular promotion was being considered by the DRC, whose deliberations were likely to conclude that day. An affidavit dated 20.8.96 has now been filed by the departmental representative stating that the applicant's case for regular promotion was considered by DRC on 1/2.8.96 and the DRC had recommended that the applicant's name be placed in sealed cover which has accordingly been done by the appointing authority.

4. It is well settled that a Govt. servant has a legally enforceable right to be considered for promotion. He has no legal right to be promoted. The applicant was considered for regular promotion in the DRC held on 2.8.96 which recommended that his case be kept in sealed cover, in the light of this fact that he was involved in a criminal case in which a charge sheet was filed in the Court of Special Judge, ACB, UP Lucknow on 28.2.94 which is still pending. No legal infirmity can be detected in the respondents' action, and the applicant's prayer in the OA itself is that his case be kept in a sealed cover, which has been done by the respondents.

2

17

5. Nothing further thus survives in the OA.

6. During argument applicant's counsel has urged that the applicant be promoted on adhoc basis as his juniors have already been promoted and particularly in the light of the fact that he is to retire shortly. In this connection, certain rulings have also been cited by the applicant's counsel namely State of Punjab Vs. C.G.Goe 1995(2) SCC 570 ; JT 1995(8) 65 and UOI & another Vs. B.C. Chaturvedi 1991(6) SCC 750. Adhoc promotions are made only as a short-term arrangement in the public interest pending regular promotion. In the present case, as noticed above, the applicant has ~~not~~ been considered for regular promotion and his case has been kept in a sealed cover as per his own prayer in the OA. The question of considering the applicant at this stage for adhoc promotion does not arise and under the circumstance the rulings cited by the applicant, are not relevant for considering this ^{prayer} ~~case~~ for adhoc promotion.

7. In the result, the OA is dismissed. No costs.

Lakshmi Swaminathan *Anil Adige*
(MRS. LAKSHMI SWAMINATHAN) (S.R. ADIGE)
MEMBER (J) MEMBER (A).

/ug/