

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No. 2213/96

New Delhi this the 26th day of November, 1997.

Hon'ble Shri S.R.Adige, Vice Chairman(A)
Hon'ble Smt.Lakshmi Swaminathan, Member(J)

Dr.Sri Krishn Chopra,
Senior Advisor,
Ministry of Non-Conventional Energy Sources,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-3

..Applicant

(By Advocate Sh.B.N.Singhvi, Shambhu Nath
Chopra with Shri V.K. Garg)

Vs

Union fo India through the
Secretary to the Govt.of India,
Ministry of Non Conventional Energy Souces,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-3

The Planning Commission,
Yojna Bhawan, Sansad Marg,
New Delhi through its Member-Secretary

The Secretary,
Ministry of Personnel, Public Grievances
and Pensions, Deptt.of Personnel
and Training, New Delhi

Shri Ashok Parthasarathi,
Secretary,
Ministry of Non Conventional Energy Souces,
Block No.4, Lodhi Road,
New Delhi-3

..Respondents

(By Advocate Sh. K.C.D. Gangwani with Shri
Sandeep Aggarwal)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A)

Applicant grievance is regarding his non consideration for promotion to the Grade of Principal Adviser(Rs 8000/-fixed) in either the Planning Commission or in the Ministry of Non Conventional Energy Sources.


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2. Admittedly applicant was appointed as Adviser(Rural Energy) on ad hoc basis in the Planning Commission on 5.6.1984(Rs.5900-6700) and was made substantive as such w.e.f. 17.6.86(Ann.II colly). Thereafter he was appointed in the higher grade of Rs.7300-7600/- w.e.f. 7.11.1992 as personal to him(Ann.III).
3. Consequent to the transfer of work of Integrated Rural Energy Programme from Planning Commission to Ministry of Non Conventional Energy Sources w.e.f. 31.3.94, the post of Adviser in Planning Commission held by applicant ~~separated~~ ^{and operated} in the higher scale of Rs.7300-7600/- as personal to him, along with applicant's service (and also other posts ~~situated~~ ^{connected} with that Programme and the service of those incumbents) were transferred to MNES w.e.f. 31.3.94 vide order dated 21.3.94(Annexure IV).
4. Applicant's counsel Shri Singhvi contends that applicants' service were placed in the MNES without obtaining his consent and that while his colleagues in the Planning Commission have since been promoted, as Principal Adviser(Rs.8000/-fixed), his request for repatriation to the Planning Commission has been refused and he is also being denied, consideration for promotion as Principal Adviser in the MNES.
5. Shri Singhvi further stated at the Bar that as per his information respondents are sympathetic to the applicant's case but are not in a position to take any action in the matter in view of the pendency of this OA. In this connection, he has invited our attention to the applicant's representation dated 26.8.96 addressed to the Cabinet Secretary in which the aforesaid grievance ~~has~~ been highlighted, which still remains undisposed of. We are hold that a copy of this representation was also ~~enclosed~~ ^{endorsed} to MNES.

6. Shri Gangwani, upon instructions from the Departmental representative Shri P.Prabhakaran, Under Secretary, M/O Non Conventional Energy Sources, who is present in court states that applicant's representation dated 26.8.96 has been taken note of by the Cabinet Secretary who has not been impleaded as a party in the present OA.

6. We dispose of this OA with a direction to respondents to dispose of applicant's representation dated 26.8.96 in consultation with the concerned authorities and accordance with the rules and instructions by a detailed speaking and reasoned order, under intimation to him within three months from the date of receipt of a copy of this order. In case any grievance still survives, it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law if so advised. No costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Vice Chairman(A)