

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.232/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A) (9)

New Delhi, this the 9th day of November, 1999

Smt. Chander Prabha Sharma
w/o Shri R.P.Sharma
r/o Flat No.80 B, Block D1/C
Janakpuri, New Delhi - 110 058. ... Applicant

(By Shri V.K.Rao, Advocate)

Vs.

Union of India through
The Secretary
Ministry of Finance
Dept. of Expenditure
North Block
New Delhi. ... Respondent

(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

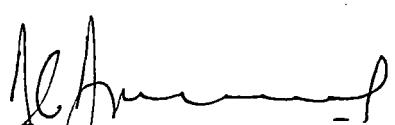
By Justice Ashok Agarwal, Chairman:

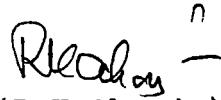
By the present application, the applicant seeks to impugn an Office Memorandum dated 2.2.1995 debarring her for three select list years from regular promotion to the post of Stenographer Grade 'C'. It is now undisputed that if one has regard to the O.M. dated 3.9.1983 the aforesaid impugned order cannot be successfully assailed. As far as the applicant is concerned she was employed as Stenographer Grade 'D' w.e.f. 18.8.1975. She was promoted to the post of Stenographer Grade 'C' vide order dated 18.9.1986. By an office order issued on 15.12.1993 services of the applicant were allotted to the Union Public Service Commission (in short 'UPSC'). The applicant did not report to UPSC in compliance with the directions issued on 15.12.1993. This was despite the fact that the order specifically recited that if she did not move to UPSC she will be debarred for promotion to

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post of Stenographer Grade 'C' for three select list years. Since the applicant did not report to UPSC in compliance with the aforesaid order of 15.12.1993, she was debarred for promotion for three select list years as provided in the OM dated 3.9.1983. (10)

2. We find that, in the facts and circumstances, the present OA is devoid of merit. It is, however, sought to be contended by Shri V.K.Rao, learned counsel appearing on behalf of the applicant that two other candidates, namely, Shri M.L.Gupta and Ms. Gurdarshan Kaur, who were similarly placed as the applicant, have been granted promotions without they being debarred for three years as has been done in the case of the applicant. The aforesaid contention has not been taken in the application. Aforesaid two candidates have not been impleaded as a party to the present application. It will therefore not be possible to give a relief to the applicant which would enure to the disadvantage of the aforesaid candidates. In the circumstances, while dismissing the present application as being devoid of merit, we grant liberty to the applicant to take out a fresh application if so advised. In the circumstances of the case, there will be no order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahoja)
Member(A)

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