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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 959/96

New Delhi this the 10th day of May, 1996.

Hon'ble Mr. Justice A.P. Ravani, Chairman.

Hon'ble Mr. K. Muthukumar, Member(A).

Shri K.C. Malik,
Stenographer Grade-II,
R/o 3112, Mohindra Park,
Rani Bagh,
Delhi.

..Applicant.

By Advocate Shri M.L. Ohri.

Versus

1. Union of India through
The Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.
2. The Chairman,
Appellate Tribunal for
Forfeited Property,
4th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi.

..Respondents.

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani.


The petitioner is serving as Stenographer Grade-II. He applied for the post of Private Secretary in response to the advertisement published in the Employment News dated 4-10 November, 1995, Annexure A-1 to the application. The advertisement clearly shows that it is for two posts, one on 'transfer basis' and another ^{one} for 'transfer on deputation basis'. The petitioner had been informed that he did not fulfil the eligibility condition of 8 years of regular

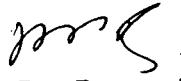
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service for consideration of his name for the post of Private Secretary. This is clearly stated by the respondents in the reply dated the 8th April, 1996 to the representation made by the petitioner (Annexure A-2). We see no infirmity in the stand taken by the respondents. However, keeping in view the special circumstances of service of the petitioner on deputation with A.T.F.P. before permanent absorption, the respondents have also forwarded his application, to the UPSC for consideration with the following remarks:

"Shri K.C. Malik, has put in continuous service in the grade of Rs.1400-2600 with effect from 6.3.1986 (in all about 10 years), initially on deputation for 3 years in this Tribunal and immediately without break in continuation on regular basis on absorption. He is a departmental candidate and application is forwarded with the approval of Head of Department for consideration".

The contention that the petitioner's application should have been considered for the post of Private Secretary on promotional basis, has no ^{merit} ~~basis~~. There is no advertisement for the post to be filled up on promotional basis. As and when the process of recruitment/appointment on promotional basis starts, the petitioner can very well ^{assert} ~~make~~ his claim. There is no substance in the petition. Hence rejected.


(K. Muthukumar)
Member(A)


(A.P. Ravani)
Chairman

'SRD'