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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 978 of 1996

New Delhi, dated this the 24th September 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Pyare Lal,
S/o Shri Jhakari Singh,
R/o E-10, New Gobind Pura,
Gali No. 1,
Delhi-110031.

... APPLICANT

(By Advocate: Shri J.M.L.Kaushik)

VERSUS

Union of India through

1. The Secretary,
Ministry of Home Affairs,
Rehabilitation Division,
Settlement Wing,
Jaisalmer House,
New Delhi.

2. Govt. of NCT of Delhi,
Through the L.G.,
Delhi,
Raj Niwas,
Delhi.

2. Chief Secretary,
Govt. of NCT of Delhi,
5, Shyam Nath Marg,
Delhi-110006.

4. Secretary-Cum-Commissioner &
Dy. Chief Settlement Commissioner,
Govt. of NCT of Delhi,
Vikas Bhawan,
New Delhi.

... RESPONDENTS

(By Advocate: Shri D.N.Goburdhan proxy
counsel for
Mrs. Geeta Luthra)

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks promotion as ASO from
due date and assails respondents order
bringing one Shri Gulia on deputation to the
said post and granting him extensions on
deputation from 9.7.94 and from 29.1.96 to
28.1.97.

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2. We have heard Shri Kaushik for applicant and Shri Goberdhan for respondents.

3. As per relevant Recruitment Rules (appended with rejoinder) the post of A.S.O. is to be filled by promotion failing which by transfer on deputation. In case of promotion the feeder category are supervisory posts of Superintendent, Asst. Managing Officer, Field Inspector (Sr. Grade), Managing Officer (Grade II), Accountant Senior or Junior Accountant who are in receipt of basic pay of Rs. 1500/- or more.

4. Respondents do not deny that applicant was promoted as Senior Accountant (Rs.1400-2600) w.e.f. 16.3.95, but state that the Recruitment Rules for the post of Senior Accountant provides for two years probation and as a result applicant was not considered eligible for the post of A.S.O., till 6.3.97 on which date he was promoted as A.S.O.

5. As a probationer, applicant had no enforceable right to hold the post of Senior Accountant and could have been reverted to his substantive post any time during the period of probation for good and sufficient reasons. He acquired that legal right only after his confirmation upon successful completion of probation. ^{When} ~~he~~ he had no legal right to hold the post in the feeder category, manifestly he had no enforceable right to be considered for the promotional post. Any view to the contrary would mean

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that applicant with barely a day spent on duty as Senior Accountant could be considered eligible for promotion as A.S.O., which could not have^{been} the intention of the rule making authorities.

6. The O.A. is therefore dismissed.
No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
Member (J)

/GK/

S. R. Adige

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