

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 1657

of 1997 Decided on: 18.3.98

Ishwar Dass

Applicant(s)

(By Advocate: Shri S.Y. Khan)

VERSUS

U.O.I. 2

Respondents

(By Advocate: K.C.D. Gangwani)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO

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(S.R. ADIGE)
VICE CHAIRMAN (A)

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1657 of 1997

New Delhi, dated the 18th March, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Ishwar Dass,
Sr. Administrative Officer,
Central Production, Doordarshan,
Khel Gaon, Siri Fort,
New Delhi-110049. APPLICANT

(By Advocate: Shri S.Y. Khan)

VERSUS

Union of India through
Director General,
Doordarshan, Mandi House,
Doordarshan Bhawan,
New Delhi. RESPONDENT

(By Advocate: Shri H.K. Gangwani
proxy counsel for
Shri KCD Gangwani)

JUDGMENT

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

Applicant seeks promotion as Sr.
Administrative Officer w.e.f. 28.12.95 with
consequential benefits.

2. Admittedly applicant who was working as
Administrative Officer in Doordarshan Kendra, New
Delhi was promoted as SAO on ad hoc basis by the
cadre controlling authority (DG AIR) vide his order
dated 28.11.95 (Ann. A-3) and his services were
placed with D.G., Doordarshan for further posting.
By order dated 28.12.95 (Ann.A/4) he was to work in
the Directorate against the post of SAO in Central
Production Centre, New Delhi till 31.3.96. Citing
that order applicant handed over charge of the post

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of A.O. in DDK on 28.12.95 (FN) vide Ann. A-2(1) and submitted joining report as Sr. AO on 28.12.95 (FN) itself in Office of D.G., Door Darshan against the vacant post of SAO, CPC vide Ann. A-2(ii). Director, DDK, New Delhi wrote to DG, Doordarshan on 5.1.96 (Ann. S-1) requesting for retention of applicant's services in DDK in public interest as there was no SAO posted there, the existing incumbent against the post of Sr. AO, DDK being diverted elsewhere. In reply DG, Doordarshan by O.M. dated 22.1.96 (Ann. R-2) stated that the request for applicant's retention in DDK upon his promotion as Sr. AO would be examined only after he reported for duty as per Directorate General's orders and Director, DDK was asked to relieve applicant immediately. It was made clear that his promotion would come into effect only after he joined as per orders dated 28.12.95 (Ann. A-4). Director, DDK again reiterated his request on 17/20.2.96 (Ann. A-2(i)&(ii)) which was replied to on the earlier lines on 29.2.96 (Ann. R-3).

3. Eventually after modification of the earlier orders dated 28.12.95 by subsequent orders dated 25.3.96 (Ann. A-5) posting applicant exclusively to CPC as SAO w.e.f. 2.4.96; applicant's own representation dated 3.4.96 for ~~being~~ relief from DDK to join as SAO, CPC and the posting of a substitute in place of applicant on 2.5.96, he was relieved from DDK on 6.5.96 and joined duty as SAO, CPC on 6.5.96 itself.

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4. We have heard applicant's counsel Shri Khan and respondents' counsel Shri K.C.D. Gangwani.

5. Applicant in his rejoinder has not denied respondents' statement in reply that applicant could not be retained as SAO in DDK w.e.f. 28.12.95 as there was no vacant post of SAO there. Applicant has admitted in his rejoinder that there is no sanctioned post of SAO in DDK since its inception, but one SAO has always been posted there by shifting posts from other Kendrapara Office and such an arrangement could have been made in applicant's case also.

6. Whatever local or informal arrangements were made in the past, there can be no doubt that applicant's promotion as SAO can take effect only from the date he actually joined duty on the post. There being no post of SAO in DDK, and the post of SAO against which applicant stood promoted being in CPC it follows that applicant's date of promotion as SAO can be only w.e.f. ^{the date} he joined duty as SAO in CPC on 6.5.96. For this reason no interference in the O.A. is warranted, and the judgment in 1996 (2) SCSLJ 130 relied upon by Shri Khan, which is

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clearly distinguishable on facts, does not help the applicant.

7. The O.A. is dismissed. No costs.

Lakshmi Swaminathan
(Mrs. LAKSHMI SWAMINATHAN)
MEMBER (J)

S. R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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