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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

NEW DELHI, THIS THE 30TH DAY OF JULY, 1997.

O.A. No.1668 of 1997.

HON'BLE SHRI JUSTICE K.M.AGARWAL, CHAIRMAN.

HON'BLE SHRI N.SAHU, MEMBER (A).

Prabhakar Singh
S/o Sh. Badri Narain Singh,
Deputy Legislative Counsel,
Legislative Department,
Ministry of Law, Justice & Company Affairs,
Shastri Bhawan,
NEW DELHI.

..Applicant.

(BY ADVOCATE SHRI RAKESH KUMAR SINGH)

Versus

1. Union of India,
through the Secretary,
Legislative Department,
Ministry of Law & Justice,
Shastri Bhawan, New Delhi.

2. Union Public Service Commission,
through its Secretary,
Shahjahan Road, New Delhi.

3. V.K.Bhasin,
Deputy Legislative Counsel,
Legislative Department,
Ministry of Law & Justice,
Shastri Bhawan, New Delhi.

..Respondents.

ORDER

JUSTICE K.M.AGARWAL:

Heard the learned counsel for the applicant on admission on 24.7.1997 and further on 29.7.1997.

2. The applicant was promoted to the post of Deputy Legislative Counsel w.e.f. 6.9.1996, but he wants a direction for notional promotion w.e.f. 29.6.1994 so as to come within the arena of Additional Legislative Counsel. He also wants the D.P.C. to consider his case for promotion to the post of Additional Legislative Counsel.

3. The learned counsel submitted that the vacancy in the post of Deputy Legislative Counsel had arisen on 29.6.1994,

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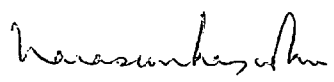
but as D.P.C. was not held in time, he could not be promoted to the post from the date the vacancy had arisen. He must, therefore, get notional promotion from 29.6.1994 so that experience and qualification for the post of Additional Legislative Counsel could be fulfilled by the applicant and he could also be considered for the said post by the D.P.C.

4. We are of the view that the argument is misconceived. Even in **CHANDRA GUPTA Vs. SECRETARY, GOVT. OF INDIA, MINISTRY OF ENVIRONMENT & FORESTS AND OTHERS**, (1995) 1 SCC 23 relied on by the learned counsel, no such right as contended was conceded to an employee by the Supreme Court. Other cases relied on by the learned counsel were also misplaced. Without selection, how could the applicant claim promotion and without actual work, how could he acquire experience by notional promotion are questions without plausible explanation. In none of the cases cited, any such relief as prayed for in this application was granted. It, therefore, does not appear necessary to detail or discuss the various cases cited before us.

5. Other points urged were in relation to consequential to the main relief claimed and, therefore, require no consideration.

6. For the foregoing reasons, this application is hereby summarily dismissed.


(K.M. AGARWAL)
CHAIRMAN


(N. SAHU)
MEMBER (A).