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Central Administrative Tribunal, Principal Bench

O.A.No.329/97

M.A.No.412/97

Hon'ble Mr. Justice K.M.Agarwal, Chairman
Hon'ble Mr. R.K.Ahooja, Member(A)

New Delhi, this 13th day of February, 1997

Shri V.P.Avasthi
aged about 53 years
s/o Shri B.S.Avasthi
Off. Add: C.G.O.Complex
New Delhi. Applicant

(By Shri Jog Singh, Advocate)

vs.

1. Union of India
through Secretary
Ministry of Civil Supplies
Department of Consumer Affairs
& Public Distribution
Krishi Bhawan
New Delhi.
2. D.O.P.T. Secretary
Ministry of Home
Department of Personnel & Training
and Public Grievances
North Block
New Delhi.
3. Secretary
Union Public Service Commission
Shahjahan Road
New Delhi.
4. Chief Director
Ministry of Civil Supplies
Department of Consumer Affairs and
Public Distribution
Krishi Bhawan
New Delhi. Respondents

O R D E R (Oral)

Hon'ble Mr. Justice K.M.Agarwal, Chairman

Heard the learned counsel for the applicant on admission.

2. The case of the applicant is that he is stagnating in the post presently held by him for the last 15 years and therefore, he made representations to the respondents to

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consider him for promotion to the next higher post or by creating additional promotional post or in any other post permissible under the Law or the service Rules. Learned counsel submitted that on the basis of these representations the authorities have favourably inclined to amend the Rules by converting the deputation post into promotional posts but the Union Public Service Commission (UPSC) did not agree to give such relaxation without amendment of the Rules. We are of the view that we cannot direct either the authorities concerned or the UPSC to accede to the demand of the applicant without amendment of the Rules. We also cannot direct the authorities concerned to make a proper amendment in the Rules so as to relieve the applicant of his grievance arising out of his stagnation. Lastly the learned counsel submitted that in the circumstances aforesaid, he further made representations on 20.1.1997 and 30.1.1997 which still remain unattended. In the circumstances of the case, he submitted that atleast the authorities should be directed to consider and dispose of his representations aforesaid within a reasonable time. We find no obstacle in directing the authorities to consider and dispose of the said representations of the applicant within a reasonable time. Accordingly, the application is hereby disposed of by directing the respondents to consider and dispose of the aforesaid representations of the applicant within a period of two months from the date of receipt of a copy of this order.

[Signature]
(K.M.AGARWAL)
CHAIRMAN

[Signature]
(R.K.AHOOJA)
MEMBER(A)

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