

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 431 of 1997

New Delhi, this the 20th day of May, 1999

HON'BLE MR. T.N.BHAT, MEMBER (J)
HON'BLE MR. S.P.BISWAS, MEMBER (A)

Rajinder Kumar Rawal, S/O Sh. Munish Ram
Rawal R/O F-458, Krishna Nagar, Kotla
Mubarakpur, New Delhi - 110 003.

--APPLICANT.

(Applicant in person.)

Versus

1. Sh. T.K.Rama Swami, Head of Department/ Dy. General Manager, Ministry of Finance (DEA), Bank Note Press Dewas (MP) - 450003.
2. Sh. S.D.Dadeech General Manager, Ministry of Finance (DEA), India Govt. Mint. D-2, Sector-1, Noida - 201 301.
3. Sh. M.S.Ahluwalia, Secretary to the Govt. of India, Ministry of Finance, (Deptt. of Economic Affairs), North Block Secretariat, New Delhi - 110 001.
4. Sh. K.L.Bakshi, Dy. Manager (Finance), Security Paper Mill, Hoshangabad (MP).
5. Smt. Padma Solanki, Administrative Officer, Bank Note Press, Dewas (MP) - 450 003.
6. Sh. P.V.Varghese, Accounts Officer, Bank Note Press, Dewas (MP) - 450 003.
7. Sh. M.S.Bandeliya, Accounts Officer, Bank Note Press, Dewas (MP) - 450 003.

--RESPONDENTS.

(By Advocate:- Sh. K.C.Dewan)

O R D E R

By Mr. S.P.Biswas, Member (A) -

Applicant is before us seeking reliefs in terms of the following:-

- i) Allowing backdated seniority from the project

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stage of May, 1980. While elaborating this point, the applicant alleges having been ignored his legitimate promotions at the appropriate time when his juniors were promoted. Thus, he would claim higher or equal promotional channel with respect to his juniors like S/Sh. R.R.Biswas, Md.Shariff, V.Haridas and M.N.Sreeranganathan. This claim relates back to 1971 and fixation of seniority accordingly weightage of previous service.

- ii) Continuing adhoc promotions as Accounts Officer beyond 24.2.1997.
- iii) Considering his claim for posting as Financial Advisor and Chief Accounts Officer.

2. Heard the applicant and the counsel for the respondents and perused Written Submissions submitted by them. As regards the relief pertaining to determination of seniority with back dated effect, the applicant had filed TA 65/86 in C.A.T., Jabalpur Bench in the year 1986. Vide orders dated 16.7.1987, this Tribunal directed that the review DPC shall be held. Accordingly, the review DPC took place on 16.9.87 and the applicant's case for promotion alongwith two others was recommended. All the earlier grievances of the applicant stands settled on delivery of the order by Jabalpur Bench. The applicant should have agitated the issue of backdated seniority long before. It is well settled in law that if a person is sleeping over his right and there is undue

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delay in approaching the Tribunal, the application deserves to be dismissed on laches alone. Raking up of old matters like seniority after a long time is likely to create administrative complications and difficulties. In the interest of smoothness and efficiency in service such matters should be given a quietus after a lapse of some time. The same position prevails herein. (See M.L. Cicil D'Souza Vs. Union of India, AIR 1986 SC 2086)

3. As regards the second claim, the applicant was promoted as Accounts Officer on adhoc basis w.e.f. 12.1.97 in which position he continued upto 24.2.97. This was followed by regular promotion on 2.4.98. As per the applicant's claim for adhoc promotion in the capacity of Accounts Officer earlier to 12.1.97, the details given by the respondents in their counter dated 28.3.93, clarify that the delays were unavoidable and could not be considered as deliberate on the part of the respondents.


4. As regards the claim for promotion to the post of Financial Advisor and Chief Accounts Officer concerned, the respondents have submitted that there is no channel of promotion for the applicant to the post of FA & CAO (Gr. Rs. 3700-5000). The said post is a cadre post which is to be filled up by the Controller General of Accounts from amongst officers of Indian Civil Service (Accounts) as per Recruitment rules 1988 and orders dated 2.8.95. The present Recruitment Rules provide that the post of FA & CAO is to be filled up by on transfer on deputation basis. Therefore, applicant has no claim for promotion directly to that post.

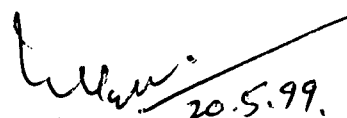
5. We find that the applicant had preferred an amendment of the OA vide MA 1451/97 which was allowed. While amending the reliefs, in para 8 of OA, the applicant added that till such time the OA is decided, the post of Chief Accounts Officer w.e.f. 23.10.1990 or any equivalent post ⁱⁿ ~~to~~ the time scale of pay of FA & CAO shall be kept vacant. Sure

6. It is well settled law that no employee has a right to promotion even on adhoc basis. An employee has only the right to be considered for promotion according to the rules. Chances of promotion are not conditions of service and are defeasible. If any authority is required for this proposition, it is available in Syed Khalid Rizvi Vs. Union of India, 1993 Supp (3) SCC 575, 602; 1994 SCC (L&S) 84: (1993) 1 LLJ 887: (1993) 1 SLR 89.

7. We do not find that there was any direction from this Tribunal to keep the post of FA & CAO vacant as the applicant claims. As per provisions in the Recruitment Rules, the applicant is not eligible for consideration to the post of FA & CAO.

8. Based on the detailed discussions aforesaid, the OA deserves to be dismissed and we do so accordingly but without any order as to cost.


(S.P. BISWAS),
MEMBER (A)


20.5.99.
(T.N. BHAT)
MEMBER (J)

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