

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 51/97

New Delhi, this the 14th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

A.S.Sundaram,
s/o Late Sh. V.Adinarayanan,
D-II/217,
Moti Bagh,
New Delhi.

....Applicant

(By Advocate: Shri K.N. Balgopal)

versus

Union of India through

1. Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Director,
Intelligence Bureau,
Ministry of Home Affairs,
New Delhi.
3. Union Public Service Commission,
through its Secretary,
Dholpur House,
Shajahan Road, New Delhi.
4. Department of Personnel & Training,
through its Secretary,
North Block,
New Delhi.

....Respondents

(By Advocate : None)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner in this case was working as Assistant Director, Intelligence Bureau since 11.4.1988 and was confirmed in the month of April, 1991 and the promotion to the post of Deputy Director came up in the year 1994 and his juniors were being considered since they had, by that time, completed the requisite number of years, namely 12 years, of service as per the recruitment rules for the post

of Deputy Director. In the circumstances, the respondents had duly recommended consideration of the applicant's name as well in accordance with OM dated 23.10.1989 to U.P.S.C. As per the said OM when the juniors who have completed the requisite service are being considered, seniors who have completed the probation period may also be considered for promotion. Admittedly, in the present case the applicant's services have been confirmed by an order passed in April, 1991.

Even though the respondents - Intelligence Bureau had considered the case of the applicant and relaxed the eligibility criteria in view of the said O.M. and communicated this fact to the UPSC, the UPSC considered the case of the applicant for promotion to the post of Deputy Director and rejected the claim of the petitioner on the ground that the petitioner had not completed the required number of years, namely 12 years, of service for promotion to the post of Deputy Director by that time.

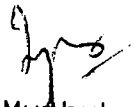
We issued notices to the respondents and the notices were duly served on them and none appeared on the previous date and we adjourned the matter till today so that one more opportunity is given to the UPSC to file a proper reply or represent the case. But none appears today as well neither from the respondents nor from the UPSC.


In the circumstances, we find considerable force in the submission of the petitioner and we direct the UPSC to treat the petitioner as eligible to be considered for promotion to the post of Deputy Director as recommended by

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the respondents and in case the DPC has already been held,
his case shall be considered afresh by a review DPC.

With these directions, this OA is disposed with
no order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

naresh