

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-59/97

New Delhi this the 30th day of July, 1998.

Hon'ble Sh. T.N. Bhat, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Sewa Singh, JIO-II/G,
A-2370, Netaji Nagar,
New Delhi-23. Applicant

(through Sh. J.S. Malik - Not present even on
second call)

versus

1. Home Secretary of Central
Govt. through its
Secretary,
North Block,
New Delhi.

2. Director,
Intelligence Bureau,
North Block,
New Delhi.

..... Respondents

(through Sh. KCD Gangwani, advocate)

ORDER(ORAL)

Hon'ble Sh. S.P. Biswas, Member(A)

The applicant, who joined as Security Assistant (SA for short) on deputation under the respondents, is before us seeking relief in terms of promotion to the rank of JIO(II) & JIO(1) from the date his juniors were promoted as well as absorption in the borrowing department with all consequential benefits.


2. The applicant has alleged that some of his juniors Sh. Jawahar Singh & Sh. Kuldip Singh have been promoted earlier than him and this amounts to denial of rights following superior position in respect of seniority.

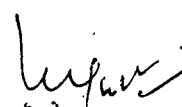
3. In the counter, respondents admit the factual position of Shri Jawahar Singh & Kuldip Singh, juniors to the applicant, having been promoted. The respondents would justify such promotions on the basis that promotion of S.A. is being given on circle basis. In other words, there could be a situation where a junior S.A. posted in a particular Subsidiary Intelligence Bureau unit (SIB for short) can get promotion earlier than his seniors posted in a separate unit. It is only in these circumstances that the applicant when he was posted in Chandigarh could not be considered for the purpose of promotion to the rank of JIO-I and JIO-II because he did not fulfil the condition of seniority vis-a-vis other SAs posted at Chandigarh. S/Shri Jawahar Singh and Kuldip Singh, JIOs-I(G) had joined IB Hqrs. as SA(G) on deputation from Punjab Police in 1975 and were appointed as JIO-II(G) in 1982 against deputation quota vacancies at IB Hqrs, whereas the applicant had joined at Chandigarh. S/Shri Jawahar Singh and Kuldip Singh were subsequently absorbed as JIOs-II(G) in 1982 on their written willingness for the same. They were promoted as JIO-I(G) as a departmental employee in 1990, whereas the applicant was then (1982) posted at SIB Chandigarh. However, the applicant got his promotion both as JIO-II in 1988 and subsequently as JIO-I in 1997 on his transfer to I.B. Headquarter.

4. So far as applicant's claim for absorption in the borrowing department (IB) is

concerned, it is seen that according to applicant's own admission in para 5.4. of the O.A., that he had never given any option for the same. A deputationist who has never exercised his option or made a specific request, could not be legally considered for absorption. Denial by the respondents of applicant's claim for absorption cannot, therefore, be faulted in terms of law.

5. In view of the reasons aforesaid, the application is devoid of merits and deserves to be dismissed. We do so accordingly. No costs.


(S.P. Biswas)
Member(A)

 30.7.98.
(T.N. Bhat)
Member(J)

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