

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

5

O.A.NO. 164/94 & O.A.NO. 165/94

New Delhi this the 21st Day of February, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

O.A.No. 164/93

1. Sh. Anil Kumar Agarwal,
son of late Sh. P.K. Agarwal,
R/o D-788, Saranwati Vihar,
Pitampura, Delhi.

2. Smt. Renu Mathur,
S/o Sh. Ajay Bihari Lal,
R/o H-300, Kali Bari Marg,
Gole Market,
New Delhi-110001.

Petitioners

(By advocate Sh. B.K. Agarwal)

versus

1. Union of India
through the Secretary,
Department of Personnel & Training,
North Block,
New Delhi-110001.

2. The Secretary,
Ministry of Textiles,
Udyog Bhawan,
New Delhi.

3. Development Commissioner(Handicrafts)
West Block No.7, R.K. Puram,
New Delhi-110066.

4. Sr. Director(M),
National Handicrafts & Handlooms Museum,
Pragati Maidan, Bhairon Road,
New Delhi.

Respondents

(Sh. R.L. Verma, counsel for Respondents No.1,2 & 3.
Sh. P.P. Khurana, counsel for Respondent No.4.)

O.A.No. 165/94

1. Smt. Sneh Prabha Grover,
W/o Sh. V.K. Grover,
R/o 9-B, East of Kailash,
New Delhi-110065.

Petitioner

(By advocate Sh. B.K. Agarwal)

versus

5

6

1. Union of India
through the Secretary,
Department of Personnel &
Training, North Block,
New Delhi.
2. The Secretary,
Ministry of Textiles,
Government of India,
Udyog Bhawan,
New Delhi.
3. Development Commissioner,
(Handicrafts),
West Block No. 7, R.K. Puram,
New Delhi-110066.
4. Senior Director(M),
National Handicrafts &
Handloom Museum,
Pragati Maidan,
Bhairon Road,
New Delhi.

Respondents

(Sh. R.L. Verma, counsel for Respondents No. 1, 2 & 3.
Sh. P.P. Khurana, counsel for Respondent No. 4)

Order(Oral)
delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.

In these two applications the controversy raised is similar. They have been heard together. Therefore, they are being disposed of by a common judgement.

A counter-affidavit has been filed on behalf of Respondents No. 1 to 3. The learned counsel for the parties have been heard. Since the point involved is rather short, we are inclined to dispose of these O.As. finally.

By a common order dt. 16.3.92, the three applicants in these applications were given ad hoc promotions by the Sr. Director(M). By a common order dated 17/18.1.94, the Addl. Development Commissioner (Handicrafts) had done away with ad hoc promotions of the applicants. In fact, the applicants have been sent down by two steps. The question to be considered is whether the Addl. Development Commissioner(Handicrafts)

(7)

7 has the jurisdiction to pass such an order.

On 13.8.1991 the Development Commissioner (Handicrafts) issued an office memorandum. In this memorandum powers of Sr. Director are specified. It is, inter alia, stated, that the Sr. Director will be the Appointing Authority in respect of Gr. 'C' & 'D' posts in the NHM. It is not disputed that the post to which the applicants were promoted on ad hoc basis fell in group 'C'. It follows that the Sr. Director alone was and is the Appointing Authority. It also follows that the Sr. Director alone could undo the ad hoc promotions of the applicants. The impugned order, therefore, is without jurisdiction. It has, therefore, to be got quashed.

These applications succeed and are allowed.
The impugned order is quashed.

No costs.

(B. N. DHOUNDIYAL)
MEMBER (A)

(S. K. DHAN)
VICE CHAIRMAN

/aa/

Original order in OA 164/94

Attested my copy

Ante Chaitanya

22.2.94

Co. C1

CAT. P.B.

New Delhi