

Central Administrative Tribunal  
Principal Bench

O.A. No. 1717 of 2000

New Delhi, dated this the 18<sup>th</sup> October, 2001

(12)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri N.R. Dhinwar,  
S/o late Shri Shyam Lal,  
R/o 89A, Sunlight Colony,  
Hari Nagar Ashram,  
New Delhi-110014.

.. Applicant

(Applicant in person)

Versus

1. Director General,  
ESI Corporation,  
Panchdeep Bhawan,  
Kotla Road,  
New Delhi-110002.

2. ESI Coproration,  
Panchdeep Bhawan,  
Kotla Road,  
New Delhi-110002.

.. Respondents

(By Advocate: Shri G.R. Nayyar)

ORDER

S.R. ADIGE, VC (A)

Applicant, who belongs to reserved category, impugns respondents' office order No. 490 dated 31.8.2000 granting ad hoc promotion to S/Shri K.K. Saha and R.K. Mehta from the post of Jt. Director to that of Director. He prays that the same be quashed and fresh promotion order issued, restoring him to what he claims is his lawful and rightful status.

2. Heard.

3. It is not denied that applicant is senior to S/Shri K.K. Saha and R.K. Mehta in the feeder

grade of Jt. Director. Respondents state that the promotion to the post of Director is on the basis of selection for which the bench mark is 'Very Good', and as applicant did not meet with these requirements when he was considered for ad hoc promotion to the post in July, 2000, he could not be promoted, because in July, 2000 no special weightage was admissible to candidates belonging to SC/ST in the matter of promotion to the post in question. (13)

4. We note that quashing of impugned order dated 31.8.2000 would directly affect S/Shri Saha and Mehta but neither of them have been impleaded in the O.A. The O.A., therefore, suffers fatally from non-joinder of proper and necessary parties. That apart, applicant in his written submissions has himself stated that regular promotion for the post of Director has since been held and regular promotion orders have been issued in July, 2001.

5. Under the circumstance, the present O.A. has been rendered infructuous and is disposed of accordingly. If applicant is aggrieved with the regular promotion orders issued, it is open to him to challenge the same separately in accordance with law, if so advised, after impleading all the proper and necessary parties.

6. Present O.A. is disposed of in terms of  
Para 4 and 5 above. No costs.

*A. Vedavalli*  
(Dr. A. Vedavalli)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Vice Chairman (A)

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