

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 1922/2000

New Delhi this the 21st day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Shri Kashmir Singh,
S/O late Shri Shukru Ram
Superintendent, M.S. Branch HQRS.
Directorate General of Lighthouses
Ministry of Surface Transport
Government of India
Deep Bhawan, A-13, Sector 24
Tulsi Marg, Noida 201301 (U.P). Applicant

(By Shri S.L.Lakhanpal, Advocate)

vs.

1. Union of India (Through the
Secretary to the Govt. of India
Ministry of Surface Transport)
Department of Lighthouses & Lightships
Transport Bhavan
Parliament Street
New Delhi-110001.
2. The Director- General
Directorate General of Lighthouses &
Lightships, Government of India
Deep Bhawan, A-13, Sector 24
Tulsi Marg,
Noida-201 301 (U.P.) ... Respondents

(By Shri K.R.Sachdeva, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant was initially appointed to the post of Junior Computer with effect from 8.10.1965 and subsequently to the post of Lower Division Clerk with effect from 1.2.1967. He was promoted to the post of Upper Division Clerk on 12.7.1976 and to the post of Superintendent on 4.2.1993. He is now aspirant for promotion to the post of Executive Officer. As per recruitment rules for the post of Executive Officer, a candidate has to complete 7 years of service in the

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post of Superintendent which period the applicant has completed on 4.2.2000. However, the crucial date of eligibility as per the instructions contained in the Department of Personnel and Training OM No.22011/3/98-Estt. (D) dated 17.9.1998, applicant would become eligible for promotion with only effect from 01-04-2001. He was accordingly not eligible for promotion on the date of the filing of the present OA on 11.09.2000. The material part of the instructions of the Department of Personnel and Training provides as under:-

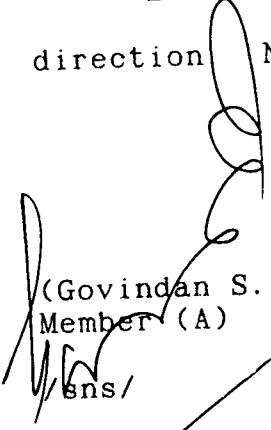
"The crucial date for determining eligibility will be January 1st for consideration for promotion for the vacancies to be arisen in next year. In other words, a candidate who has completed the required length of service as on 1st January, 2000, will be considered for promotion for the panel 2000-2001 i.e for the vacancies, which will arise during the year 2000-2001."

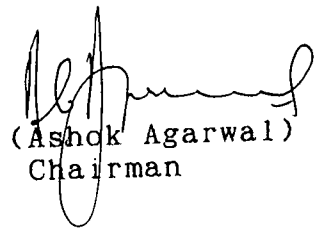
Since the applicant has completed his 7 years of service in the post of Superintendent on 04.02.2000, his effective date of eligibility will be 01.01.2001. He will accordingly become entitled for promotion with effect from 01.04.2001 only as per his crucial date of eligibility. In the circumstances, we find that interest of justice would be met by disposing of this OA with a direction to the respondents to consider the claim of the applicant for promotion for vacancies arising during the period 1.4.2001 and onwards by convening a Departmental Promotion Committee for the purpose along with other eligible officers. We direct accordingly.

l.f.

(W)

2. Present OA is disposed with the aforesaid direction No costs.


(Govindan S. Tampi)
Member (A)
ens/


(Ashok Agarwal)
Chairman