

(10)

Central Administrative Tribunal
Principal Bench

O.A. No. 2141 of 2000

New Delhi, dated this the 8th NOVEMBER 2001

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

Shri D. Sargunam,
S/o late Shri S. David,
B-89/1, East of Kailash,
New Delhi-110065. Applicant
(Applicant in person)

Versus

1. The Chairman,
Central Pollution Control Board,
Parivesh Bhawan,
C.B.D.-cum-Office Complex,
East Arjun Nagar,
Delhi-110032.
2. The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan,
C.B.D.-cum-Office Complex,
East Arjun Nagar, Delhi-110032.
3. The Secretary,
Ministry of Environment & Forests,
Parivaran Bhawan,
New Delhi-110003. Respondents

(By Advocate: Shri S.N. Puri)

ORDER

S.R. ADIGE, VC (A)

In this O.A. filed on 12.10.2000, applicant
seeks promotion as

- (i) Administrative Officer w.e.f. 1.7.86
- (ii) Sr. Administrative Officer w.e.f.
1.7.91
- (iii) Additional Director w.e.f. 1.7.96

with consequential benefits. He also seeks
condonation of break in service from 15.5.97 to
5.6.97; for release of LTC claim of Rs.6484.00 and
for withdrawing arbitrary memo issued to him.

2. Heard both sides.

3. In so far as applicant's claim for promotion as A.O.. w.e.f. 1.7.86 is concerned, respondents in their reply have stated that applicant's case for promotion was considered by the DPC in its meeting on 17.11.86 and 26.3.87 but his name was not recommended by DPC. In the meeting of DPC held on 3.3.88 applicant's case was again considered. However, as there was a disciplinary proceeding pending against applicant, his case was kept in sealed cover. Applicant has no enforceable legal right to be promoted from any particular date. At most he has a right to be considered for promotion subject to his being eligible and falling within the zone of consideration. In the present case it is not denied that applicant's case was considered for promotion as A.O. in the DPCs held on 17.11.86 and on 26.3.87 but he was not recommended for promotion. Hence he has no enforceable right to compel respondents to promote him as A.O. w.e.f. 1.7.86.

4. As regards applicant's claim for promotion as Sr. A.O. w.e.f. 1.7.91, during the course of hearing, respondents' counsel invited our attention to office order dated 19.9.91 abolishing the post of Sr. A.O. and certain other posts w.e.f. 7.6.91. Applicant contended that the authority which had approved abolition of the post of Sr. A.O. was not competent to do so, but it is not denied that in the C.P.C.B. Recruitment Regulations of 1995 there

(12)

3

is no post by the name of Sr. Administrative Officer. The question of promoting applicant to a non-existent post does not arise.

5. As regards applicant's claim for promotion as Addl. Director w.e.f. 1.7.96, we agree with respondents that applicant has neither the requisite qualifications nor does he belong to any of the feeder post for promotion to the post of Addl. Director as laid down in the C.P.C.B. Recruitment Rules, 1995, a fact which applicant himself does not deny in his rejoinder.

6. In so far as applicant's other grievances, namely condonation in break in service, LTC claim and warning memo are concerned they are not consequential to his main reliefs i.e. promotion as A.O. etc. and are, therefore, hit by Rule 10 CAT (Procedure) Rules. Applicant may pursue this separately if so advised.

7. Subject to what has been stated in Para 6 above, the O.A. warrants no interference and is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

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

Karthik