

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No.2407/2000

New Delhi: this the 30<sup>th</sup> day of MARCH, 2001

(1)

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Atam Prakash Sharma  
Stat. Investigator (SI) Grade-II,  
R/o 473, Rishi Nagar,  
Shakurbasti,  
Delhi-34

working as Economic Investigator-Grade I,  
Ministry of Rural Development,  
Krishi Bhavan,  
New Delhi

.....Applicant

(By Advocate: Shri S.P.Sharma)

Versus

Union of India,  
through  
the Secretary,  
Ministry of Rural Development,  
Krishi Bhavan,  
New Delhi-1

.....Respondents.

(By Advocate: Shri J.B.Mudgil)

ORDER

S.R.Adige, VC (A):

Heard both sides.

2. In the background of the Tribunal's order dated 23.2.2000 in OA No.2572/99 filed earlier by applicant, in so far as the vacancy position in the promotion quota of S.I.Grade I between 25.4.91 and 27.5.93 is concerned, applicant in para 5(g) of his OA has averred that S/Shri R.P.Rathi and S/Shri Thakurala were away on deputation, and applicant could well have been promoted against either of those 2 posts.

3. Respondents have however pointed out in their reply that these 2 deputation vacancies were not taken as regular vacancies, as the aforesaid 2 officials could have reverted to their parent cadre any time upon completion of their deputation, and if the posts had

(3)

been filled up, it would have created complications in adjusting the two.

4. This contention cannot be faulted. None junior to applicant was promoted as SI Gr.I for the aforesaid period which might have given applicant a grievance that he was being discriminated against, and applicant had no enforceable legal right to compel respondents to promote him on adhoc basis for the aforesaid period.

5. In so far as the other 2 persons mentioned in para 5(g) of the OA are concerned, applicant himself states that they were promoted in DR quota and not in the promotion quota, which is the quota under consideration before us.

6. The OA therefore warrants no interference. It is dismissed. No costs.

A. Kedarnath  
( DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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