

Central Administrative Tribunal
Principal Bench New Delhi.

Date of decision: 4.7.1989.

Regn. No. O.A. 1292/89.

Shri Ghanshyam Dutt Misra ... Applicant
Vs.

UOI & Ors. ... Respondents.

CORAM:

Hon'ble Mr. P. Srinivasan, Member (A)

Hon'ble Mr. T.S. Oberoi, Member (J).

For the applicant:

Shri Umesh Mishra, counsel.

JUDGMENT (oral).

(per Shri P. Srinivasan, Member)

In this application, which has come up before us for admission, the applicant, who is currently working as a Lower Division Clerk (LDC) in the office of the Central Translation Bureau, Department of Official Language, New Delhi, since March, 1986 complains that he should have been appointed as L.D.C. from 1984 in the quota available for promotion from the post of Peon as he was the senior-most Peon at that time.

2. Shri Umesh Mishra, learned counsel for the applicant submits that in accordance with Office Memorandum dated 16.9.1980 issued by the Department of Personnel, 10 per cent of posts of LDCs in Government Departments are reserved for appointment from the cadre of Peon and out of the said 10 per cent, 5 % are reserved for promotion on the basis of seniority while the remaining 5 per cent are to be filled up on the basis of a qualifying examination. There is a roster maintained for the purpose of filling up vacancies in which every 16th point goes to a peon who is senior-most and is eligible for promotion. According

P. S. Oberoi

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to Shri Mishra, a vacancy at the 16th point in the roster arose in 1984 and the applicant was entitled to promotion in that year. The applicant has made representation to the authorities but in their letters dated 13.9.1988 and 12.4.1989, the authorities have informed him that the matter is still under consideration. After the application was filed, the applicant was informed that the result of the typing test in which the applicant qualified in 1986 would not be recognised and the authorities issued another letter asking him to appear in the qualifying examination. But so far no final reply has been given by the authorities to the applicant's representation that he be adjusted in the post of L.D.C. from 1984 in a vacancy reserved for promotion of a peon. When we suggested to Shri Mishra that this application is premature in the absence of a final decision by the authorities, he expressed apprehension that the respondents might revert the applicant from the post of LDC. HM

3. After considering all the facts and submissions made by Shri Mishra, we feel that the application can be disposed of at the admission stage itself by passing suitable orders. We, therefore, pass the following orders:-

- (1) The respondents will expeditiously consider the representation of the applicant for regularisation in the post of LDC as if he had worked in that post from 1986 and convey their decision thereon to the applicant within three months from the date of receipt of this order.
- (2) Till a decision is taken on the applicant's representation, as above, the respondents will not disturb him from the post of LDC.

4. The application is disposed of on the above terms at the stage of admission itself. Dasti allowed.

T.S.Oberoi
(T.S. Oberoi)
Member (J)

P.S.Srinivasan
(P.Srinivasan)
Member (A)