

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI.

REGN.NO. OA 295/89

Shri Hari Ram Applicant

Vs.

Union of India & another Respondents

Coram: Hon'ble Mr. Justice J.D. Jain, Vice Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant Shri S.K.Bisaria, Counsel.

We have heard the counsel for the applicant. It is true that vide judgement dated 31.7.1987 in TA 155/86 by a Bench of this Tribunal a declaration was made/that the applicant will be entitled to regular promotion as Statistical Assistant with effect from 29.12.1972 and a direction was also issued that the applicant should be so promoted with effect from ~~this~~ date with all consequential benefits. It is admitted by the applicant that pursuant to the judgement of this Tribunal he was assigned seniority and promoted with effect from 29.12.1972 as Statistical Assistant. However, his grievance is that on completion of 5 years' service as Statistical Assistant he must be deemed to have become eligible for promotion to the next higher post of Field Investigator. According to him, two posts are lying vacant at present but he is not being considered. However, the question is whether anyone else has been considered in preference to him and if so, the applicant can nurture a grievance on that account. There is no such averment in the application as at present filed before us. In the circumstances, the mere fact that he may have become eligible for promotion to the next higher post would not warrant entertaining this application in respect of the reliefs sought by the applicant. Application dismissed.

2. We may, however, clarify that the applicant can file a fresh application if anyone else is considered for

the next higher post and he feels aggrieved thereby.

K. Kumar

(KAUSHAL KUMAR)
MEMBER
14.2.89

J.D. Jain

(J.D. JAIN)
VICE CHAIRMAN
14.2.89