

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1928 of 1988 New Delhi: 7.12.93.

Sh. R.N.Gupta s/o Late V.P.Gupta,
24, Central Lane, Babar Road,
New Delhi.-110001. Applicant.

(None for the applicant)

Versus.

1. Union of India through
Secretary, Deptt. of Personnel,
North Block, New Delhi.
2. Secretary, Deptt. of Youth Affairs
and Sports, Govt. of India,
Shastri Bhawan,
New Delhi. Respondents.

(None for the respondents)

CORAM

Hon'ble Mr.S.R.Adige, Member(A)

Hon'ble Mr.B.S.Hegde, Member(J)

ORDER (ORAL)

Hon'ble Mr.S.R.Adige, Member(A).

None for the applicant inspite of this case having been called out twice. None for the respondents either. It is noted from the order-sheet dated 15.2.89 and 28.4.89 that the applicant was absent on both dates. He presented himself on the next date i.e. 6.7.89 but was thereafter consecutive absent on 2.8.89, 29.8.89 and 6.9.89. As this is a very old case, we are disposing of this application on the basis of the materials available on the record.

2. In this application, Shri R.N.Gupta an IAS Officer of the 1974 batch(W.Bengal Cadre) has sought for a direction to the respondents to grant him promotion as Director in the GOI w.e.f. 1.7.88 or to consider his case for promotion as Director from the date his juniors in the IAS were promoted, together with consequential benefits.

3. The applicant came on deputation as Dy. Secretary GOI on 15.10.84. According to him, the minimum tenure on deputation to GOI of an IAS Officer is:-

- (i) Under Secretary - 3 years.
- (ii) Dy. Secretary - 4 years.
- (iii) Director/Jt. Secretary. - 5 years.

Thus, according to him, his tenure was to last till 14.10.88, but the respondents for illegal and extraneous considerations ordered his premature reversion back to the West Bengal cadre vide order dated 4.12.87(A-P-II), which he challenged through O.A.No.1803/87 in the Tribunal who in their judgment dated 23.9.88 quashed the reversion order. He claims that consequently his tenure with GOI was restored to 14.10.88. Meanwhile, consequent to the Tribunal's aforesaid judgment, he claims to have joined duty on 23.9.88 itself, but alleges that the respondents have not yet recognised that their orders terminating his tenure were quashed by the Tribunal and he has not been resigned any work or paid salary since March, 1988. Meanwhile, according to him, as he completed 14 years' service on 1.7.88, he became due for promotion as Director, w.e.f. 1.7.88 and his tenure was also extended, automatically from 4 to 5 years. However, he was not promoted as Director and neither was his tenure extended, inspite of his representations and hence he has filed this O.A.

4. In their reply, the respondents have stated that the applicant was reverted in the public interest prematurely to his parent cadre of West Bengal on 4.12.87. As regards, the Tribunal's

judgment dated 23.9.88 they state that they filed an SLP before the Hon'ble Supreme Court which came up for consideration on 20.2.89, and after hearing the arguments, the Court issued notice. The respondents deny that the minimum tenure of IAS Officers posted on deputation to GOI is as indicated by the applicant and avers that while the normal tenure for post of U.S; D.S; and Director/J.S would be 3, 4 and 5 years respectively, in exceptional cases where the public interest so demands, the tenure of an individual Officer can be extended or considered with the concurrence of the cadre Controlling authority. The respondents also state that appointment to the post of Director cannot be claimed as of right. They deny to have refused to take up the case of the applicant for grant of the rank of Director, and state that each such case is considered and decided on merits. They state that on completion of the applicant's tenure he was reverted back to his parent cadre on 14.10.88.

5. The respondents also state that not being considered for the designation of Director does not amount to denial of promotion to an Officer because this is not a grade in IAS Cadre, but a designation given to the senior officers holding senior posts in GOI on tenure deputation basis.

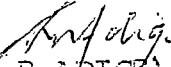
6. The respondents are entirely right, when they state that the appointment to the post of Director cannot be claimed by the applicant as of right. Each case has to be considered and a decision taken on merits. If the respondents found that the applicant was not fit for grant of rank of Director, and they chose to revert him to his parent cadre upon completion of his tenure, that decision calls for no interference from this Tribunal.

7. This application is accordingly dismissed.

No costs.


(B.S. HEGDE)

MEMBER (J)


(S.R. ADIGZ)

MEMBER (A)

(ug)