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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.2051 of 1988

New Delhi, dated this the 1st day of June 1994.

Shri N.V. Krishnan, Hon. Vice Chairman(A)

Shri C.J. Roy, Hon. Member(J)

Shri Tulsi Dass,
S/o Shri K.L. Dass,
R/o 12-D, Dovar Lane Extension,
Calcutta-9.

...Applicant

By Advocate: Shri Mahesh Srivastava.

versus

1. Union of India through
Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

2. Secretary,
Department of Official Languages,
Central Secretariat,
North Block,
(1st Floor)
New Delhi.

...Respondents

By Advocate: Mrs. Raj Kumari Chopra.

O R D E R(Oral)

By Shri N.V. Krishnan.

The applicant is aggrieved by his non-consideration for promotion to the post of Joint Director in the Department of Official Languages, and has, therefore, filed this application for a direction to the respondents to promote him as the Joint Director, or, alternatively, to give him the responsibility of holding the post, as it is lying vacant, and, not to entrust such responsibility to any person, junior to him. This OA was filed on 5.10.88, when the applicant was still in service.

2. The respondents have filed a reply contesting this case.

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3. When the matter came up for final hearing today, the learned counsel for the applicant pointed out that while the applicant was working as Deputy Director, he was retired prematurely under FR.56(j) by an order dated 8.10.86. He filed an OA.890/86 challenging that order. That order was quashed on 2.4.87. Subsequently, an order of compulsory retirement was again passed by the respondents, retiring him w.e.f. 4.2.89. That order has become final.

4. The contention of the learned counsel for the applicant is that while working as Deputy Director, the post of Joint Director fell vacant, when Shri A.K. Bhattacharya retired on 31.1.88. Therefore, the applicant was entitled to be considered for promotion and in fact, he seeks promotion to that post.

5. The learned counsel for the respondents pointed out that the post of Joint Director is to be filled-up by promotion from Deputy Directors on selection basis. Though the applicant was the only person available at that time, his case was considered, but he was not found fit for promotion after overall assesment of the Annual Confidential Reports preceding five years. In the circumstances, the applicant was rightly not promoted and no injustice has been done to him.

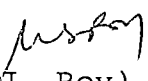
6. In our opinion, the applicant having been prematurely retired under FR.56(j) w.e.f. 24.8.89, cannot, contraceptually, be found fit for promotion


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from 31.1.88, for this ^{le w} should be basically contradicting the decision of compulsory retirement, which was taken, and has become final.

7. In the circumstances, we find no merit in the applicant^{tion}. The OA is dismissed. No costs.


(C.U. Roy)
Member(J)
1.6.94


(N.V. Krishnan)
Vice Chairman(A)
1.6.94

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