

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 315/88

Date of decision: 10.06.1993.

Shri Pradeep Kumar Kapoor

...Petitioner

Versus

Union of India & Others

...Respondents

Coram: *The Hon'ble Mr. I.K. Rasgotra, Member (A)*  
*The Hon'ble Mr. J.P. Sharma, Member (J)*

For the petitioner Shri V.P. Gupta, Counsel.

For the respondents None

*Judgement (Oral)*  
*(Hon'ble Mr. I.K. Rasgotra)*

This O.A. was filed by the petitioner on 24.2.1988 aggrieved by his non-promotion to the post of Senior Accountant. The petitioner was working as Junior Accountant in the office of the respondents. According to the recruitment rules the post of Senior Accountant is non-selection post and is to be filled by promotion failing which by deputation. The Junior Accountant is the feed - category for the post of Senior Accountant. For filling up the post a Departmental Promotion Committee (DPC) is prescribed having Joint Development Commissioner Handicraft as Chairman and three other Senior Officers as Members. The grievance of the petitioner is that while he was ignored for promotion, one Shri Amarjit Singh junior to him was promoted vide order dated 5.3.1987. The reliefs claimed are:

- i) that the order of the Additional Development Commissioner dated 2.3.1987 conveying him adverse remarks in the ACR be quashed.
- ii) To consider the promotion of the petitioner retrospectively w.e.f. 5.3.1987 - the date on

which his junior was promoted and further to restrain the respondents from giving extension to Shri Amarjit Singh as Senior Accountant.

2. The stand of the respondents in their counter-affidavit is that Shri Amarjit Singh was appointed purely on an adhoc basis keeping in view the administrative convenience on the basis of seniority-cum-fitness. It is further urged that "Even the cause of action is no longer alive as the particular post no longer exists and the junior who was appointed earlier has been reverted w.e.f. 1.3.88."

3. After hearing Shri V.P. Gupta, learned counsel for the petitioner carefully and perusal of the record we are of the view that the petitioner has not arrayed Shri Amarji Singh as a respondent in the application. The petition is, therefore, bad for non-joinder of proper and necessary parties. No relief can be granted to the petitioner behind the back of a person against whom the relief is claimed. Secondly, the junior person Shri Amarji Singh who was promoted on adhoc basis has already been reverted before he completed adhoc service of one year and the post against which he was promoted is no longer in existence. *2*

*2*

4. In the above facts and circumstances of the case no relief can be granted to the petitioner. The O.A. is accordingly dismissed. No costs.

*J. P. Sharma*

(J.P. Sharma)  
Member (J)  
San.

*I. K. Rasgotra*  
(I.K.Rasgotra)  
Member (A)

Later Shri P.P. Khurana, learned counsel for the respondents also appeared.

*P.P. Khurana*

(J.P. Sharma)  
Member (J)  
San.

*I. K. Rasgotra*  
(I.K.Rasgotra)  
Member (A)