

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
Tax No.

818

1986

DATE OF DECISION 14.1.1988

Shri P.S. Gladd

Petitioner

Shri Naresh Kaushik

Advocate for the Petitioner(s)

Versus

Union of India & Others

Respondent

N.S. Mehta

Sr. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice, J.D. Jain, Vice Chairman

The Hon'ble Mr. Birbal Nath, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?


(Birbal Nath)
Member


(J.D. Jain)
Vice Chairman

9

IN THE CENTRAL ADMINISTRATION TRIBUNAL
Principal Bench
New Delhi.

REGD. No. DA 818/86

Date of Decision: 14.1.1988

Shri P.S. Gladd Applicant

vs.

Union of India & others Respondents

CORAM:- Hon'ble Mr. Justice J.D. Jain, Vice Chairman
Hon'ble Mr. Birbal Nath, Administrative Member

For the applicant Shri Naresh Kaushik, Advocate
For the Respondents Shri N.S. Mehta, Sr. Counsel.

JUDGEMENT (ORAL)

The applicant Shri P.S. Gladd was at the relevant time holding the substantive post of Deputy Director in the Directorate General of Supplies and Disposals. However, he had been promoted as Director on ad hoc basis w.e.f. 10.1.1985 and since then he had been officiating as Director on ad hoc basis. The grievance of the applicant is that he had been wrongly shown as junior to one Surjit Lal (SC) in the seniority list prepared as on 1.5.86 (Annexure IV). However, on ^a his representation being made by him the error was corrected by the Presidential order dated 4.6.86 (Annexure A-1). He was accorded the seniority below Shri J. Sahey and above Shri Surjit Lal. His grievance, ~~was~~, is that promotions ^{were} made to the post of Director (Supplies) in accordance with ^{The} revised panel but he was not considered for promotion to the said post by the Departmental Promotion Committee notwithstanding

Jt
contd....

the Presidential Order Annexure I. So he prayed that a direction be issued to the respondents to expedite the final decision of the U.P.S.C for interpolation of his name in the panel of Directors already declared above respondent No. 2 i.e. Shri Surjit Lal.

2. It appears that in the meantime an order of his reversion had been made but he contended that he was not aware of any order of reversion and he was apprehending to be passed over; so he had made a prayer that he should not be reverted from his ad hoc appointment as Director during the pendency of the application. On 3rd October, 1986 when the matter came up for hearing before Court No.1 for admission an order was made that status quo as on date to continue till further order.

3. The respondents filed the counter inter-alia stating that a Review D.P.C. met on 27.10.1986 under the Chairmanship of a Member of U.P.S.C. and after considering all the eligible officers including the applicant recommended a panel of 7 officers but the applicant was not amongst those recommended by the Departmental Promotion Committee. So according to them the applicant was not entitled to promotion as Director in view of the recommendations made by the D.P.C. As far reversion of the applicant, the respondents took the stand that order of reversion of the applicant from the post of Director had been passed on 30.9.1986 (Annexure R-1) but having got a clue of the same the applicant advisedly proceeded on leave w.e.f. 1.10.1986 and did not attend the duties as Director since then.

4. Having regard to the fact that review D.P.C. has already met but applicant has not been considered suitable for promotion, we think that prayer No. 1 made by the applicant has been substantially met. His grievance now is that the D.P.C. was not lawfully constituted and

and D.P.C. did not consider the vacancies for various years in accordance with the prescribed Rules. However, this aspect of the matter being subsequent to the filing of this application and no averments for the same having been made in the application, we are afraid that we cannot enlarge the scope and ambit of the application. He has no doubt taken up this point in the rejoinder in a half-hearted manner but we think that the challenge be made in a substantive and separate application. As for reversion, we feel that even if the order of reversion had not been served on the applicant at the time when he came to the court, he did come to know of it on 7.10.86 as per photo--stat copy of leave sanction order dated 6th October, 1986 placed by the learned counsel for the respondents on record today. However, in view of the order of status quo passed by this Court the applicant would still be entitled to the salary as Director for the period he remained on leave till date and counsel for the respondents does not oppose this view of ours.

5. To sum up, therefore, we dismiss this application as having become infructuous. However, we grant liberty to the applicant to move the Tribunal, if so advised by means of a fresh application making proper averments in the same. Since he has not been considered fit for promotion by the D.P.C. we cannot in the interest of justice continue his appointment as Director on ad hoc basis and he has to revert to his substantive post. However, we direct that respondents shall pay to the applicant leave salary on the assumption that he would have continued as Director on ad hoc basis as if he had not been reverted till today.

14.1.88
(Birbal Nath)
Member

J. D. Jain
(J.D. Jain)
Vice Chairman

Dated:- 14.1.1988.