

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2448/90

New Delhi, This the 14th Day of November 1994

Hon'ble Shri Justice S.C.Mathur,Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Service of all notices to the applicant on the counsels following address:)

Shri R Venkataramani & Satya Mitra Garg
Advocates
14A/13, Western Extension Area
Karol Bagh
New Delhi 11005.

By None

Versus

1. Union of India through the Secretary, Ministry of Defence, South Block New Delhi.
 2. The Scientific Advisor to the Defence Minister and Director General & Secretary Defence Research & Development Organisation South Block, New Delhi. Respondents

By Shri P H Ramachandani, Senior Counsel with
Shri J C Madan, Advocate

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

The applicant claims that he was denied promotion from the post of Scientist Grade 'C' to the Scientist Grade D on account of provision in the rules that selection shall be based on consideration of service record and interview. The applicant's plea is that prescription of interview is arbitrary. The case was taken up in the revised call. No one has appeared on behalf of the applicant. In the application itself no law has been cited and

at the time of hearing also no assistance has been given. On behalf of Respondents Shri P.H.Ramachandani Senior Counsel with Shri J.C.Medan has appeared and we have heard them. We do not find any substance in the plea of the applicant that interview cannot be prescribed by the rules.

2. The applicant has claimed that the respondents be directed to consider him at the selection to be held in December 1990. Apart from claiming that the provision in the rule prescribing interview be declared as null and void, the applicant has also claimed that he may be considered for promotion to the post of Scientist 'E'. On behalf of the respondents it has been brought out that in the years 1985-1991 the applicant was considered for promotion but he could not make the grade; selection in the year 1991 was held for the year 1990. The selection was to be held in 1990 but it could not be held and so it was held in March 1991. It is also stated that in order to enable consideration of the applicant at the selection held in the year 1991 he was given extension of service till 30.6.1991. The applicant cannot claim promotion to Grade E until he is promoted to Grade D. Therefore, the relief claimed in para 8(c) of the OA is totally mis-conceived.

3. The third relief claimed in the application is that the applicant be continued in service till the disposal of the application. The applicant can be continued in service only till he attains the age of superannuation. He attained that age on 31.10.90. The learned counsel for the respondents stated that the applicant was retired actually on 30.6.91 in view of the extension granted to him by the department. There is no question of continuing the applicant in service after 30.6.91.

4. In view of the above, the application lacks merit and is hereby dismissed without any order as to costs. Interim order, if any operating, shall stand discharged.

P.T.Thiruengadam

(P.T.THIRUVENGADAM)
Member(A)
14.11.94


(S.C.MATHUR)
Chairman
14.11.94

LCP