

(17) 15

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...
OA.No.368 of 1990

Dated New Delhi, this the 11th day of August, 1994

Hon'ble Mr Justice D. L. Mehta, Vice Chairman (J)
Hon'ble Mr B. K. Singh, Member (A)

Shri Balwant Singh Solanki
R/o, Villa Baprola
P.O. Najafgarh
NEW DELHI-43

... Applicant

By Advocate: None

VERSUS

Union of India through

1. The Cabinet Secretary
Government of India
Rashtrapati Bhawan
NEW DELHI-1
2. The Secretary
Research and Analysis Wing
Cabinet Secretariat
Government of India
Room No. 8-B, South Block
NEW DELHI-11

... Respondents

By Advocate: None

ORDER
(Oral)

Mr Justice D. L. Mehta, VC (J)

The applicant has prayed that the respondents be directed to promote the applicant from the date i.e. his next junior was promoted and also give him all further benefits of seniority, difference of pay and allowances and further promotion consequent to this relief.

Contd...2

2. The applicant was a Security Guard (now re-designated as Field Assistant) in the Research and Analysis Wing. Because of some incident there was objection by the security force and 35 persons including the applicant were prosecuted. However, the case was withdrawn on 28.2.87. The Government also revoked the suspension order with immediate effect. Disciplinary proceedings were initiated and the penalty of Censure was imposed.

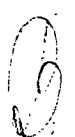
3. The applicant preferred an appeal which was also rejected. The prayer of the applicant is that he should be promoted from the date i.e. his next junior was promoted with all consequential benefits. We do not know who is the next junior to him as it has not been specifically mentioned in the OA nor such a person has been included as a party in this case. In such circumstances, it is neither feasible nor desirable to give any relief to the applicant.

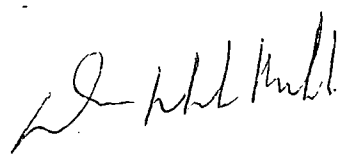
4. Further, it is observed that the applicant never filed any representation before the authorities stating the name of that particular junior who was not qualified but has been promoted and the applicant's case has been overlooked. If any junior person has

19

been considered fit for promotion and the applicant has not been considered fit for promotion, it will not give any cause of action to the applicant.

However, if it is a case of non-consideration, then the applicant has a right to be considered. No order can be passed in this OA. However, the applicant can move a representation to the authority concerned and the authority will decide the matter. The OA stands disposed of. No costs.


(B. K. Singh)
Member (A)


(D. L. Mehta)
Vice Chairman (J)

dbc