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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No.2944/91
MA 879/92

Date of decision 24-4-1996

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Subhash Chandra
son of late Shri Heera Lal Gupta,
r/o C-37, Pushpanjali Enclave,
Pitam Pura, Delhi-35

... Applicant

(By Advocate Shri Gyan Prakash)

Vs.

1. Union of India through Secretary,
Ministry of Textiles, Udyog Bhawan,
New Delhi.
2. Development Commissioner (Handicrafts)
O/O DC(H) West Block-7, R.K. Puram,
New Delhi.

(BY Advocate Shri M.M. Sudan)

3. Shri T.D. Bharti,
H.P.O. Office of DC (Handicrafts)
West Block-7, R.K. Puram, New Delhi.

(None for respondent No.3)

... Respondents

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

We have heard Shri Gyan Prakash for the applicant and Shri Sudan for the official respondents. None appeared for private respondent No.3, though this is a very old case and was listed for regular hearing today, We are therefore, proceeding to dispose it off.

2. Applicant's counsel Shri Gyan Prakash has stated that when this O.A. was filed, the applicant had an apprehension, which was not unreasonable at that point of time, that consequent to the induction of Shri T.D. Bharti, respondent No.3, as Handicraft Promotion Officer (HPO) vide order dated 6/17-9-90 and granting him
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seniority as such w.e.f. 1.5.78 by the respondents order dated 5-4-1991, the said Shri Bharti might steal a march over him for further promotion as Assistant Director.

3. Both counsel admit that subsequently the applicant as well as Shri Bharti have been promoted, as Assistant Director. While the applicant was promoted as Assistant Director on ad hoc basis on 1978 and subsequently regularised on 12.10.1984, details in respect of R-3 Shri Bharti's promotion as Assistant Director are not readily available. Be that as, it may applicant's counsel Shri Prakash has very fairly conceded during hearing that Shri Bharti has not stolen a march over the applicant as Assistant Director till date.

4. That being so, whatever apprehensions the applicant might have had in the past it cannot be said that an apprehension still exists that R-3 Shri Bharti might steal a march over the applicant in future promotions. Under the circumstances, we do not consider it necessary to record any finding at this stage on the action of the official respondents in inducting Shri Bharti as Handicraft Promotion Officer vide order dated 6/17-9-90 and granting him seniority w.e.f. 1.5.78.

5. With the consent of both counsel we accordingly dispose of this OA holding that in the event the respondents take any action which might adversely effect the seniority of the applicant vis-a-vis Respondent No.3 Shri Bharti, it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law, if so advised and in that case, neither limitation nor Resjudicata will operate as a bar. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

S.R. Adige
(S.R. Adige)
Member (A)