

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

CCP 62/93 in
OA 1292/91

Date of decision: 21.4.93

A.K. Sharma.

..Petitioner.

Versus

Union of India & Ors.

..Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the Petitioner.

..Shri K.L. Bhatia,
Counsel.

For the Respondents.

..Shri J.C. Madan,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The order of the Tribunal in O.A. 1292/91 was rendered on 21.2.1992 directing the respondents to consider the case of the petitioner for promotion as Administrative Officer (A.O.) against any vacancy after June, 1990 on the basis of the rules and practice then prevailing. The complaint in this case is that the said direction has been disobeyed. The respondents have now produced an order of the authority dated 15.4.1993 wherein it is stated that the petitioner has reported to duty as A.O. on 7.4.1993 and that he has been duly promoted as A.O. subject to the condition that he shall be on probation for two years from the date of assumption of charge as A.O. Shri Bhatia, learned counsel for the petitioner, rightly brought to our notice that the respondents were required to consider the case of the petitioner for promotion in the vacancy that occurred after June, 1990. The order now passed does not show that the vacancy occurred for the first time after June, 1990 only in April, 1993. The learned counsel for the respondents

submitted that three vacancies occurred on 27.6.1991 and they have been filled up by appointing persons who were juniors to the petitioners. Thus, it becomes clear that there were vacancies on 27.6.1991 in which vacancy the petitioner's case ought to have been considered. The promotion now given should have been made clear that it is retrospective in the sense that it would take effect from 27.6.1991 when the first vacancy occurred after June, 1990. The counsel for the respondents submits that an appropriate order would be made to give retrospective promotion to the petitioner from that date. We record the undertaking of the learned counsel for the respondents. Recording the undertaking, as aforesaid, these proceedings are dropped.

b. n. dhundiyal

(B.N. DHUNDIYAL)
MEMBER(A)

V.S. Malimath

(V.S. MALIMATH)
CHAIRMAN

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