

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 932/91

New Delhi: March 24, 1995.

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. R.K. SAXENA, MEMBER (J).

Shri Jai Chand,
s/o Shri Umed Singh,
Peon, Pusa Polytechnic,
Pusa, New Delhi

.....Applicant.

By Shri A. Kalis, Advocate.

Versus.

1. Union of India through
The Chief Secretary,
Delhi Administration,
Services III Department,
5, Sham Nath Marg,
Delhi- 110054.

2. The Director of Technical Education,
Delhi Administration,
Rouse Avenue,

New Delhi - 110002.

..... Respondents.

For Respondents - None.

JUDGMENT (ORAL)

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

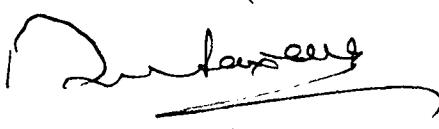
In this application Shri Jai Chand, Peon, Delhi Administration has prayed for a direction to consider him for promotion to Grade IV in Delhi Administration Subordinate Service (DAS) from the date his next junior at Sl. No. 34 of the seniority list was promoted with consequential benefits.

2. The applicant was recruited as peon in the Delhi Administration on regular basis on 6.8.73. The next channel of promotion for the applicant was to the post of Lower Division Clerk in Grade IV in DAS. The promotion was to have been made on the basis of the applicant's ACRs and his vigilance clearance. The applicant's contention is that his ACR and vigilance clearance were not received by the competent

authorities at the time promotions were being considered as a result of which he was denied promotion; while these juniors were promoted.

3. The respondents have challenged the D.A. and contend that the reason why the applicant was not promoted was because his work, conduct and integrity was found unsatisfactory w.e.f. 22.8.1989 as intimated by the Principal, Pusa Polytechnic and a disciplinary proceeding was also pending against him. A perusal of Principal, Government Polytechnic letter dated 15.10.90 addressed to the Delhi Administration (Annexure R-1) makes it clear that the Principal had written that the work, conduct and integrity of the applicant during the period he was working from 22.8.1989 till date had been found to be unsatisfactory. He was absent on 5.7.1990 and a charge sheet was issued to him on 31.8.90. Copies of the charge sheet sent by registered post at his permanent address as well as at his Govt. accommodation but received back unserved. Although the applicant had filed rejoinder there is no specific denial of these averments in that rejoinder.

4. Under the circumstances it cannot be said that the respondents ^{not a} in promoting the applicant to Grade IV in DAS have acted arbitrarily, illegally or in violation of the Articles 14 and 15 of the Constitution. We see no ^{reason for} interference in this case. This application fails ^{1. Interim orders, if any, stand rejected.} and is dismissed. No costs.


(DR. R.K. SAXENA)
Member (J)


(S.R. ADIGE)
Member (A)