

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 1736 of 1992

New Delhi, dated this the 4<sup>th</sup> September 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri P.D.Makkar,  
S/o late Shri H.D. Makkar,  
R/o AC/64, Tagore Garden,  
New Delhi-110027. .... APPLICANT

**Applicant in Person**

## VERSUS

Union of India through

1. The Secretary,  
Ministry of Defence (Finance Division),  
F.A. (DS), Coord. Section,  
South Block,  
New Delhi-110011.
2. The Controller General of Defence A/cs,  
West Block No.V,  
R.K. Puram,  
New Delhi-110066. .... RESPONDENTS

By Advocate: Shri P.H.Ramchandani

## JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to respondents to consider him for promotion to J.A.G. of I.D.A.S on the basis of his assertion that he was appointed retrospectively to Sr. Time Scale of IDAS w.e.f. 21.9.79 vide CAT, P.B. judgment dated 25.7.91 in O.A. No.1100/89 filed by him (Annexure A) and respondents' order dated 23.10.91 (Annexure B), with consequential promotions and benefits.

2. Rule 24 I.D.A.S (Recruitment Rules), 1958

as amended from time to time provides for promotion to J.A.G. by selection from amongst STS officers with a minimum of five years of regular service in the grade. To succeed, applicant has to establish that he was appointed/promoted on regular basis to STS of IDAS w.e.f. 21.9.79. No such order has been shown to us by applicant appointing/  
on regular basis promoting him to STS of IDAS/w.e.f. 21.9.79.

The judgment dated 25.7.91 in O.A. No. 1100/89 relied upon by applicant does not declare him to have been regularly appointed to STS of IDAS w.e.f. 21.9.79 and nor indeed does respondents' order dated 23.10.91. The Delhi high Court judgment dated 9.12.90 in K.G.Menon's case (Annexure Q) also relied upon by him was ~~not~~ principally <sup>in</sup> regard to pay fixation, and also does not speak of regular appointment of those petitioners to STS of IDAS.

3. In the absence of any order shown to us by applicant appointing/promoting him to STS of IDAS on regular basis w.e.f. 21.9.79 we find ourselves unable to grant the relief prayed for. We emphasise here that the qualification of five years of regular service in STS of IDAS is a minimum essential qualification for promotion to J.A.G. and when the Recruitment Rules prescribe such a minimum essential qualification, applicant

(X)

has to establish that he was appointed/  
promoted to STS on regular basis w.e.f.

21.9.79, by producing the relevant  
appointment/promotion order, which he has not  
done.

4. On this short ground the O.A. is  
dismissed. No costs.

*A Vedavalli*

(DR. A. VEDAVALLI)  
Member (J)  
/GK/

*S.R. Adige*

(S.R. ADIGE)  
Vice Chairman (A)