

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

12

O.A. No. 1736 of 1992

New Delhi, dated this the 4th 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

J U D G M E N T

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.

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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/promoting him to STS of IDAS ^{on regular basis} 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 ⁱⁿ principally ⁱⁿ 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

(14)

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)