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In the Central Administrative Tribunal
Principal Bench: New Delhi

OA NO.127/93

Date of decision: 16.03.1993.

Shri S.S. Kunwar

...Petitioner

Versus

Union of India through the
Secretary, Ministry of
Textiles & Another

...Respondents

Coram:-

The Hon'ble Mr. I.K.Rasgotra, Member (A)
The Hon'ble Mr. C.J. Roy, Member (J)

For the petitioner

Shri G.D. Gupta, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

This O.A. has been filed by the petitioner aggrieved by the non-response to his representations dated 4.12.1991, 17.2.1991, 27.4.92 and 11.5.92 seeking implementation of the judgement of the Tribunal in 1261/90 rendered on 14.11.1991. In paragraph-5 of the judgement we had observed:-

"5. We have given our careful consideration to the facts and circumstances involved in the present case, besides the rival contentions, as briefly discussed above, together with the rulings cited by the parties, in support of their respective contentions. Needless to say that any good system of government does require for its employees to be provided adequate promotional avenues, to ensure efficiency, and to sustain their interest in the respective jobs. Even in the report of the 4th Pay Commission, certain steps such as introduction of improved span in some pay scales and grant of one stagnation increment, on completion of every two years service, at the maximum of three such increments, were suggested to meet the desired objective. It was also, with the same end in view,

suggested as another measure to encadre such isolated posts, as the one held by the applicant, to some regularly encadred posts. Keeping the same in view, and while agreeing to the submissions made by the learned counsel for the respondents that the encadrement of various posts, for purposes of promotion etc., falls strictly within the domain of the Government, and, therefore, it may not be feasible to give any definite directions, on the lines prayed for by the applicant in this O.A., we leave it to the respondents themselves to see to the desirability of considering applicant's case, in the light of the guidelines, discernible from the various rulings of the Hon'ble Supreme Court and also the instructions of the Govt., issued from time to time, in this regard. It is upto them to devise such measures, as they may deem fit, to remove the applicant's grievance in this respect. The application is decided on the above lines, with no order as to costs."

Although there is direction to the respondents given by the Tribunal, the Tribunal did indicate the desirability of considering provision of suitable avenue of promotion to the petitioner keeping in view the recommendations of the Fourth Central Pay Commission and the various judicial pronouncements. The grievance of the petitioner in this OA is that despite the number of representations adverted to above, submitted by him to the competent authority, no decision has been communicated to him.

2. After hearing the learned counsel for the petitioner and considering the matter carefully, we feel that it would in the interest of justice to direct the respondents to consider the representation made by the petitioner appropriately and communicate a decision to him within four months from this date.

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3. The O.A. is disposed of, as above, at the admission stage itself. No costs.

urself
(C.J. ROY)
MEMBER(J)

san.

Subhash
(I.K. RASGOTRA)
MEMBER(A)