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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1648/93

New Delhi: this the 29<sup>th</sup> day of July, 1999.

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

HON'BLE MR. P. C. KANNAN, MEMBER (J)

Vikram Singh,

S/o Shri Maroo Singh,  
R/o Vill. & P.O. Painga (Modinagar),

Distt. Ghaziabad (UP),

and employed as Asstt. Accounts Officer,

Office of D.P.O.O., Gurgaon

(Haryana)

..... Applicant.

(By Advocate: Shri N. S. Verma ).

Versus

1. Union of India  
through  
the Secretary,  
Govt. of India,  
Ministry of Defence (Finance),  
New Delhi.

2. The Controller General of Defence Accounts,  
West Block-V,  
Ram Krishna Puram,  
New Delhi.

3. The Controller of Defence Accounts,  
(Pension Disbursement),  
Meerut Cantt. .... Respondents

(By Advocate: Shri Mohar Singh )

ORDER

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

Applicant impugns respondents' order dated 25.5.92 (Annexure-A5) and seeks notional promotion as Accounts Officer w.e.f. 15.3.91 and as promoted as A.O. for all purposes w.e.f. 18.5.93.

2. Heard both sides.

3. Applicant was considered for promotion as A.O. by the DPC on 22.8.90 w.e.f. 15.3.91 or from the date of actual assumption of post and was ordered to join

at Srinagar, but he did not do so and represented against his posting there. Eventually he was posted to Gurgaon at his own request vide letter dated 13.5.93 (Annexure-R-13).

4. In so far as applicant's claim for notional seniority as A.O w.e.f. 15.3.91, the same has to be rejected, as he never took charge of the post of A.O. at Srinagar where he had been posted on promotion.

5. Applicant's counsel relies upon the contents of D.P & AR's O.M. dated 28.9.81 (Annexure-A12) in support of applicant's claim, but that O.M relates to the validity of a DPC panel, and has no application to the facts and circumstances of the present case. Furthermore that O.M makes it clear that the benefits contained therein would not be admissible in cases when persons have refused promotion or those who have taken leave for the purpose of avoiding transfer, and it will be given only to those who are on long leave because of proved physical disability.

6. Respondents have contended that applicant was taking leave to avoid his transfer to Srinagar and from the facts on record, it is difficult to disagree with them. Furthermore applicant has not succeeded in establishing that he was suffering from proved physical disability.

7. The OA therefore warrants no interference and is dismissed. No costs.

Plurality  
( P. C. KANNAN )  
MEMBER(J)

/ug/

Infolga  
( S. R. ADIGE )  
VICE CHAIRMAN (A).