

1

~~4~~

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No.1876/93

Date of decision: 9.9.1993.

Shri Hans Raj Taneja

...Petitioner

Versus

Union of India through the  
Defence Secretary, Ministry of  
Defence, New Delhi & Anr.

....Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)  
The Hon'ble Mr. B.S. Hegde, Member(J)

For the petitioner

Shri D.R. Gupta, Counsel.

For the respondents

None.

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

The petitioner had filed another OA No.11/93 which was decided on 4.1.1993. The operative part of the said order as reproduced by the petitioner in paragraph 4.16 of the O.A. reads as under:-

"The applicant has prayed for promotional avenue. He has made a representation to the respondents on 19.5.92 requesting for providing avenue of promotion as he has been holding a post of machineman since 1966 and the only benefit that he has received so far is that of upgradation of his post by making it equivalent to the post of Offset Machinemen Grade-I in Government of India Press. Any promotion to any higher post has not yet been provided to him. The respondents are directed to dispose of the representation of the applicant dated 19.5.92 by passing a speaking order. If the applicant feels aggrieved thereafter he is free to approach the Tribunal, if so advised. The representation of the applicant should be disposed of within a period of four months from the date of receipt of a copy of this order. With the aforesaid directions the O.A. is disposed of at the admission stage itself."

21

According to the above direction the respondents were directed to dispose of the representation dated 19.5.92 of the petitioner within a period of four months by a speaking order. The said representation of the petitioner was disposed of by the respondents vide order dated 12.5.93. We have perused the said representation dated 19.5.1992. In paragraph-11 of the representation the petitioner has stated that in the light of the foregoing, the respondent may consider providing him the following reliefs:-

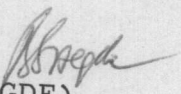
- i) to provide the applicant the pay scale of Press Operator Grade-I w.e.f. 1.2.1971;
- ii) to consider placing him in the multiple scale of Rs.210-425, Rs.550-900, Rs.840-1200 etc. w.e.f. 1.2.1971 to 1.9.1977;
- iii) placing him in the multiple scale of Rs.550-900 w.e.f. 2.9.77 to 8.7.90;
- iv) placing him in the multiple scale of Rs.840-1200 from 9.7.1990 onwards.

Thus, the petitioner had prayed for his placement in specific pay scales during the specific periods. His specific requests have been disposed of by the respondents in their reply dated 12.5.1993 vide paragraphs 2 (a) (b) (c). The periods during which the petitioner has claimed placement in specific pay scales ~~all~~ relate to the periods prior to 1.11.1982. The Tribunal has no jurisdiction to go into those matters. His representation has thus been disposed of correctly by the respondents. While giving the direction the Tribunal had taken the view that he had made a representation, seeking promotional avenue for the isolated post in which he was working. Instead of seeking the avenue of promotion and leaving it to the respondents

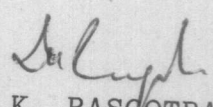
2

to decide, the petitioner chose to make requests for placement in specific pay scales. In the above circumstances, we are of the view that the representation has been disposed of correctly and the petitioner cannot make any grievance about it. Accordingly, the O.A. is <sup>dismissed</sup> ~~disposed of~~ at the admission stage itself. This, however, will not preclude the petitioner from making a proper representation on the ground of non-availability of avenue of promotion, <sup>if</sup> ~~if~~ so wishes, to the respondents. We also leave it open to the respondents to dispose of the representation, if so made, by the petitioner in accordance with the context of the directions given by the Tribunal in its order dated 4.1.1993. Such a representation, if made, shall be disposed of by the respondents within a period not exceeding six months from the date of the said representation. No costs.

A copy of this order be sent to both the parties.

  
(B.S. HEGDE)  
MEMBER(J)

San.

  
(I.K. RASOTRA)  
MEMBER(A)