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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28 TH NOVEMBER, 2002

CORAM: O.A.No. 321 of 1997

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

M.I.Hasnain, P.No.6956165 aged
about 58 years, S/o Late Shri Mohd.
Haroon, R/o Village and Post
Dandupur, tehsil Karchana, district
Allahabad.

...Applicant

(By ADV: Shri Rakesh Verma)

Versus

1. union of India through the Director General, Ordnance Service, Army Headquarters, P.O.DHQ, New Delhi.
2. The Officer-in-charge, A.O.C Records, P.O. Trimulgherry, district Secunderabad.
3. The Commandant, Central Ordnance Depot, C.O.D Chheoki, Naini, Allahabad.

Respondents

~~Respondents~~

(By Adv: Shri Satish Chaturvedi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI, V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant has challenged the order dated 21.11.1995(Annexure 1) by which promotion of the applicant from UDC to Office Superintendent Grade-II has been canceled.

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The facts of the case are that applicant was selected for promotion as Office Superintendent Grade-II, the panel for which was declared on 12.1.1995. The posting order was issued on 20.1.1995(Annexure 4) by which applicant was required to join at 24 FAD, C/o 56 APD. The applicant filed a representation dated 20.2.1995 against the posting order. The representation was considered and rejected by order dated 13.3.1995(Annexure 7). The operative part of the order reads as under:-

"In view of the above the individual may please be directed to move on promotion to 24 FAD as ordered, from where he can subsequently apply for posting to his desired station on compassionate ground, in terms of para 42 to 50 of ibid ROI.

In case the individual is not in a position to move he may forward his unwilling certificate as per ROI C/14/72 and ROI C/8/82 to this office for necessary action"

It is not disputed that in pursuance of the order dated 13.3.1995 applicant did not proceed to join at 24 FAD nor he sent his unwillingness. The order dated 13.3.1995 had ~~been~~ become final against him as it has not been challenged. As the applicant did not go to join at 24 FAD his promotion was cancelled by order dated 21.11.1995 i.e. after about 9 months. In these circumstances, we do not find any error in the order. Further the applicant has already retired from service on 30.6.1997.

(2) (11)

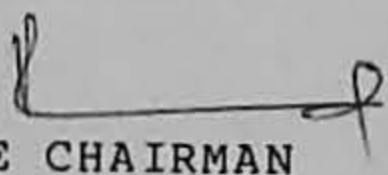
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In the circumstances, we do not find it a fit case
for interference by this Tribunal.

The OA is dismissed with no order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 28.11.2002

Uv/