

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 12th day of December 2001

Original Application no. 1476 of 2001.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Administrative Member

M.K. Modgil,
S/o late Shri D.L. Modgil,
Identification No. MES/439053,
D 250, Section D Kanpur Road,
LUDKNOW.

... Applicant

By Adv : Sri S. Srivastava.

Versus

1. Union of India,
through the Secretary,
Ministry of Defence,
NEW DELHI.

2. Engineer-in-Chief,
Army Head Quarter,
Kashmiri House,
NEW DELHI.

... Respondents

By Adv : Sri RC Joshi

ORDER

Hon'ble Mr. Justice RRK Trivedi, VC.

By this O.A. under section 19 of the AT Act,
1985, the applicant has prayed for a direction to the
respondents to promote ^{him} ~~them~~ to the post of Assistant

....2/-

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Survayor of works from the date his juniors have been promoted with all consequential benefits. ^{He has u} ~~they have~~ also prayed for direction to restore the seniority of the applicant amongst Assistant Survayor of Works. It appears that promotions were granted in pursuance of the judgment dated 18.5.1998 & 11.3.1999 passed by Hon'ble High Court at Jammu & Kashmir in two separate WPs. The DPC was accordingly held by UPSC on 23.4.2001 for promotion to Assistant Survayor of Works against the vacancies of 1992-93 & 1993-94. On the basis of recommendation of DPC 15 Assistant Survayor Grade I were approved for promotion in MES. The applicant claims that he should also be considered for promotion, but he has been illegally ignored.

2. Before coming to this Tribunal, the applicant filed a detailed representation dated 09.07.2001, addressed to Engineer-in-Chief, Army Headquarter (respdt no. 2). The representation has not been decided.

3. In the circumstances, in our opinion the ends of justice will be served, if respondent no. 2 is directed to decide the representation of the applicant by a reasoned order within a specified time.

4. The OA is accordingly disposed of finally, with the direction to the respondent no. 2 to decide the representation of the applicant in accordance with

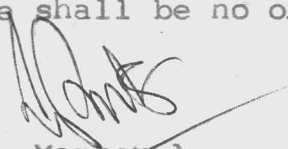
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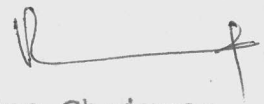


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law and in the light of the judgment of Jammu & Kashmir High Court mentioned above within a period of 4 months from the date of communication of this order. To avoid delay it shall be open to the applicant to file a fresh copy of representation alongwith Jammu & Kashmir High Court's judgment.

5. There shall be no order as to costs.


Member-A


Vice-Chairman

/pc/