

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.489 of 2001.

Wednesday, this the 7th day of April, 2004.

Hon'ble Maj. Gen. K.K.Srivastava, A.M.  
Hon'ble Mr. A.K. Bhatnagar, J.M.

Raja Ram Diwakar,  
Son of Shri Brij Lal,  
R/o 109A, Kalyanpur, Kanpur. ....Applicant.

(By Advocate : Shri R.P. Tiwari)

Versus

1. Indian Council of Agricultural Research, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi through its Secretary.
2. The Director, Indian Institute of Pulses Research (IIPR), Kalyanpur, Kanpur.
3. The Administrative Officer, Indian Institute of Pulses Research, Kalyanpur, Kanpur.
4. Sri Mata Prasad, Present Administrative Officer, Indian Institute of Pulses Research, Kalyanpur, Kanpur.
5. P.S. Syal, Assistant Administrative Officer, Indian Institute of Pulses Research, Kalyanpur, Kanpur.

.....Respondents.

(By Advocate : Shri B.B. Sirohi)

ORDER

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

In this OA, filed under Section 19 of A.T. Act, 1985, the applicant has prayed for quashing the order dated

13.12.2000 by which the applicant has been informed that his case for promotion has already been considered and the action would be initiated against him in case the applicant indulges into correspondence in regards to his promotion. The applicant has prayed for a direction to the respondents to promote the applicant to the post of Supervisor and further direction to the respondents to give him all the benefits of promotion to the post of T-I as on 30.7.1991 when the applicant passed High School Examination and he may be given the pay scale of Rs. 3200-4900, which is being paid to his juniors who <sup>are</sup> ~~were~~ working <sup>as</sup> ~~in~~ skilled <sup>Working</sup> ~~in~~ workers. The applicant is ~~employed~~ with respondents' establishment since 1971. Learned counsel for the applicant does not press for the relief regarding promotion to the post of Security Supervisor because the post has not been sanctioned. Learned counsel for the applicant submitted that the applicant <sup>fully</sup> fulfils the eligibility criteria to be promoted as T-I from 1991 when he attained the educational qualification by passing High School Matriculation examination. Learned counsel also submitted that the applicant has sufficient field and farms <sup>h</sup> experience.

3. Opposing the claim of the applicant, Shri B.B. Sirohi, learned counsel for the respondents submitted that the applicant has been promoted w.e.f. 31.12.2003 as T-I, his case was considered by the respondents and once when it was found that he was eligible for promotion as T-I the necessary orders were issued.

4. We have heard the counsel for the parties and perused the records.

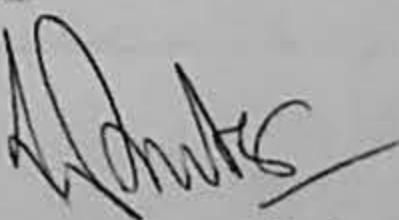
5. From perusal of the record we do not find any evidence as <sup>to whom</sup> the respondents examined the case of the applicant vis-a-vis other persons who are junior to him. The applicant in para 8 has also given names of 07 persons who, according to him, are junior employees. Since the applicant already stands promoted to I-I, the only issue which remains to be decided <sup>whether</sup> <sub>h</sub> he is to be given promotion from an earlier date.

6. In our considered opinion, the interest of justice shall better be served, if the applicant is given liberty to file a representation before respondent No.2 i.e. Director, Indian Institute of Pulses Research, Kanpur who should be directed to decide the same by a reasoned and speaking order within a specified time.

7. In the facts and circumstances, we dispose of this OA finally with direction to applicant to file his representation before respondent No.2 within three weeks alongwith the copy of this Tribunal's order and respondent No.2 is directed to decide the same within a period of three months by a reasoned and speaking order from the date <sup>of</sup> <sub>h</sub> such representation alongwith the copy of this order <sup>h</sup> filed before him.

8. There shall be no order as to costs.

  
MEMBER (J)

  
MEMBER (A)

REMN