

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 06th day of November 2001

ORIGINAL APPLICATION NO. 1229 of 2001.

Hon'ble Mr Justice RRK Trivedi, V.C.
Hon'ble Maj Gen KK Srivastava, A.M.

Prem Kumar Mishra,
S/o Shri A.L. Mishra,
R/o P-161/1 P.A.C. Line,
Old Cantt. Allahabad.

... Applicant

By Adv : Shri 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.
3. Garrison Engineer, Air Force,
Bamrauli,
ALLAHABAD.

... Respondents

By Adv : Sri R.C. Joshi

...2/-



O R D E R

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 to the post of Assistant Surveyor of Works from the date his juniors have been promoted with all consequential benefits. He has also prayed for direction to restore the seniority of the applicant amongst Assistant Surveyor of Works. It appears that promotions were granted in pursuance of the judgments 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 Surveyor of Works against the vacancies of 1992-93 & 1993-94. On the basis of recommendation of DPC 15 Assistant Surveyor 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.

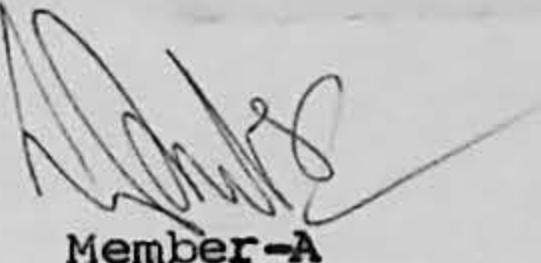
2. Before coming to this Tribunal, the applicant filed a detailed representation dated 16.8.2001, addressed to Engineer-in-Chief, Army Headquarter (resptd no.2). It is ~~only~~^u one of the grievance of the applicant that his representation has not been decided.

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

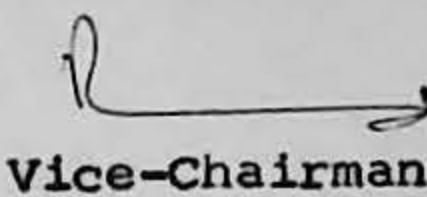
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4. The OA is accordingly disposed of finally, with the direction to the respondent no. 2 to decide the representation of the applicant in accordance with law and in the light of the judgment of Jammu & Kashmir High Court mentioned above within a period 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/