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Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

—
ORIGINAL APPLICATION NO.329 of 1987

Dr. Kedar Nath Dubey Applicant.

Versus

Union of India and another Respondents.

Hon'ble D.S.Misra-AM

Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant has sought a directions to the respondents not to ask the applicant to handover the charge of Co-ordinator in Language Faculty, to consider the name of the applicant for the post of Professor in Hindi and Regional Language , to appoint the applicant as Professor in Hindi and Regional Language in the respondent-academy and not to appoint any other person to the post of Professor of Hindi and Regional Language in the respondent-academy.

2. We have heard learned counsel for the applicant, who has conceded that we have no jurisdiction to direct respondents to appoint the applicant as Professor in Hindi and Regional Language in the Respondent-academy but the grievance of the applicant is that the two representations dated 11.7.1986 and 18.7.86 made to the respondents had not yet been decided and

in the meanwhile they have gone ahead with filling in the post by the second alternative method of appointment prescribed in the Recruitment Rules, i.e., transfer on deputation of one Dr. Kaul. The applicant has filed copies of the representation made to the Secretary to the Government of India Ministry of Personnel and Training (respondent no.1) in this regard. From a perusal of the photo copy of the Recruitment Rules produced by the applicant, it is noticed that in case of recruitment by promotion/deputation, the candidate should have 5 years teaching/research experience in posts in the scale of Rs.1200-1900 or equivalent. Learned counsel for the applicant contended that the applicant was appointed as Reader ^{with effect from 2-4-1977} in the above-mentioned scale of Rs.1200-1900 w.e.f. 10th August, 1983, ^{that he} who had been working in that institution for about 30 years in all; that the applicant will be retiring after about 6 months and his supersession by outsiders would definitely affect his morale in the organization.

Amended
1-7-1987

3. We have considered the matter and in our opinion the applicant is entitled to ^{be informed about} handover ^{for} the result of his representation to the competent authority. Learned counsel for the applicant has agreed that for the present a direction to the respondents to decide his representation with the stipulation that the post be not filled-in until a decision on his representation is communicated, would satisfy the applicant.

4. We are of the opinion that in the

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circumstances of the case this is a reasonable request and we direct the respondents to decide the representation of the applicant within a period of one month from the date of ^{receipt of} this order.

In view of the above, the case is finally disposed of at the admission stage.

A.M.
21/4/87
A.M.

J.M.
21/4/87
J.M.

Dt. 21.4.1987
JS.