

he has not worked. No order as to costs."

4- The applicant has given the list of the persons in para-9 of the application who are junior to him. One Mohd. Haneef Peon placed at the bottom of the list shown in para-9 of the application is being promoted on the post of Mounter vide order dated 23rd December, 1993 (Annexure A-1). The relevant para of this letter are reproduced as under :

"Shri Mohd. Haneef, Peon, Central Circle, B. S. I. Allahabad is promoted to the post of Mounter on adhoc basis for a period of six months from the date he takes charge vice Shri Rajesh Kumar promoted to the post of Preservation Assistant, Shri Mohd. Hanif will get the pay of Rs. 775-1025/-.

~~In Central Circle, B. S. I. Allahabad,~~ "This ad-hoc appointment does not confer any right or title on the appointee to the post and is without any prejudice to the claim of person who might be found suitable for promotion to the post or in the matter of seniority."

5- This letter shows that while making the promotion of Shri Mohd. Hanif, the department itself had doubted whether his promotion ignoring senior person can be made or not."

6- The relief granted to the applicant in O.A. No. 1091/1989 clearly provides that the applicant on his being regularised was entitled for the benefit of the entire period for which he worked. So according to the relief granted to the applicant in the said O.A., he is entitled for being considered for promotion to the higher post which is to be filled on the basis of seniority.

7- The applicant submitted representation on 19-8-1993 which was duly forwarded by the Deputy Director B. S. I., Allahabad to the Director recommending the case of the applicant for promotion. The said representation


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is still lying undisposed off despite subsequent representations and reminders submitted by the applicant. Learned counsel for the applicant has stated that this application can be disposed off at admission stage with the direction to the respondents to dispose of his representation for his promotion to the higher post of Mounter in the pay-scale of Rs.775-1025/--.

8- Considering these facts and circumstances of the case, we dispose of the application of the applicant at the admission stage with the direction to the respondents to dispose of the representation of the applicant dated 19-8-93 (Annexure A-3) for consideration of promotion to the post of Mounter in the light of the relief granted in O.A.No.1091 of 1989, within a period of 3 months from the date of communication of this order.


MEMBER -A


MEMBER -J

Dated: Allahabad January 21, 1994.

(IS PS)
