

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 8th day of May, 2002.

Original Application No. 1171 of 1994.

Q U O R U M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, Member- A.

Lokesh Chandra Sharma S/o Late Kishan Lal Sharma
Senior Accountant, Fund 55 Section, Office of the
Accountant General (A&E) IInd, U.P. Allahabad.

.....Applicant

Counsel for the applicant :- Sri S.N. Srivastava

V E R S U S

1. Union of India through the Controller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
2. Principal Accountant General, Office of the Accountant General, U.P. Allahabad.
3. Senior D.A.G (Works), Office of the Accountant General (A&E) IInd, U.P. Allahabad.
4. Senior Accounts Officer (Administtation), Office of the Principal Accountant General (A&E) IInd, U.P. Allahabad.

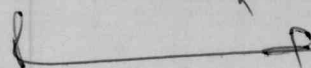
.....Respondents

Counsel for the respondents :- Sri Satish Chaturvedi

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A the applicant has prayed to quash the order dated 04.04.1994 passed by the respondents and to direct the respondents to ^{re-ligate} ~~re-ligate~~ back the date of



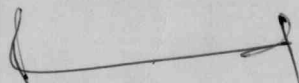
promotion to the applicant on the post of Senior Accountant since 01.01.1986 on which date his juniors were promoted and grant him consequential benefits. It has been further prayed that the respondents may be directed to promote the applicant to the post of Supervisor since January, 1992.

2. The facts giving rise to this application are that the applicant joined as U.D.C in A.G. Office, Gwalior on 23.01.1962. In 1971, he requested that he may be transferred to A.G.U.P. and on his request, he was transferred to the Office of Accountant General, U.P., Allahabad where he joined on 21.07.1971 and was given bottom seniority in the cadre of U.D.C. He suffered 9-1/2 years of seniority. In 1979, the applicant was selected and joined as Emergency Divisional Accountant in the month of January, 1980. The Emergency Divisional Accountants (E.D.A) were posted in various offices of U.P. State Government to look after the accounts of such offices. The applicant continued on this deputation post up to 1991. The applicant was repatriated and he joined the office of respondent No. 3 on 18.03.1989 as Accountant. The grievance of the applicant is that during this period of 10 years, juniors were promoted and he was not considered for promotion and ultimately he suffered disadvantage. It has also been said that as he was not aware ^{made} ~~from~~ ^{by} H.O ^{and was} ~~about~~ ignorant of promotion granted to the juniors, ^{and} he could not be represented ⁱⁿ the matter earlier. The applicant retired in the year 1997.

3. Resisting the claim of the applicant, CA has been filed. In para 6 of the CA it has been stated that the name of the applicant was submitted to the Departmental Promotion Committee (D.P.C) which met for considering

the name for promotion for the panel year 1987-1988. The applicant was found fit for promotion after verification of his latest character rolls. The D.P.C found him fit for promotion as Senior Accountant and vide order dated 17.01.1989 passed by the respondent No. 2, the applicant was directed to join the office of respondent No. 2 as Senior Accountant but he did not respond the promotion order. The applicant continued as Emergency Divisional Accountant as such the promotion order dated 17.01.1989 became ineffective. The applicant was again considered for promotion as Senior Accountant for the panel year 1991-1992. The D.P.C again found him fit for promotion. The applicant joined the office of the respondent No. 2 on 18.03.1991. The applicant was ultimately granted promotion and joined as Senior Accountant w.e.f 01.01.1992. With regard to the applicant for promotion to the post of Supervisor, it has been stated that for promotion to the post of Supervisor, five years continuous service as Senior Accountant was necessary. As the applicant joined as Senior Accountant on 01.01.1992, he had not completed five years services and is not eligible for consideration for promotion as Supervisor. In 1997, the applicant had retired.


4. The learned counsel for the applicant has submitted that as the applicant was not communicated the order dated 17.01.1989 and the applicant ^{was} ~~again~~ ignorant of the same. The respondents in their CA have ^{made} ~~made~~ specific averment that the order was communicated and the applicant was asked to join but he refused. He declined to avail the chance for promotion. We do not find any material on record to dis-belive the averments made by the

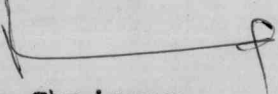


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respondents. In the circumstances, the impugned order dated 04.04.1994, rejecting the representation of the applicant on the ground of delay appears to be justified. We do not find any merit in this application and accordingly rejected.

5. There shall be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/