

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.219 of 2003

Allahabad this the 10th day of March, 2003

Hon'ble Maj Gen K.K. Srivastava, Member(A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Gopi Kant Jha S/o Late Dashrath Jha, at present holding the post of Senior Store Supdt. at 24 ED. Air Force Station, Manauri, Allahabad, residing at Quarter No.P/197, Old Project Air Force, Manauri, District Allahabad.

Applicant

By Advocate Shri I.R. Singh

Versus

1. Director(Personnel)Civilian Air Head Quarter, Vayu Bhawan, New Delhi.
2. Air Officer(Personnel)Head Quarter, Vayu Bhawan, New Delhi.
3. Air Officer Commanding No.24 Equipment Depart. Station Manauri, Allahabad.
4. Group Captain Chief Logistic Officer, Air Force Station Manauri, Allahabad.
5. Union of India through its Defence Secretary, New Delhi.

Respondents

By Advocate Shri Ashish Gopal

ORDER (Oral)

By Hon'ble Maj Gen K.K. Srivastava, Member(A)

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondent no.3 to consider the posting of the applicant on promotional post of

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Civilian Gazetted Officer(Equipment) (in short C.G.O.E) against the existing vacancy at Air Force Station, Manauri Allahabad, and give all consequential benefits on that post including seniority and salary. The applicant has prayed for quashing the impugned orders dated 07.02.2003 and 22.02.2003 passed by the respondent no.4, by which a report has been made by Headquarters Logistics Wing that the applicant has not joined as C.G.O.E and, therefore, is absent.


2. The facts in short giving rise to this controversy are that the applicant was appointed on the post of Store Keeper in the year 1966. He was promoted to various posts from time to time and presently he is working as Senior Store Superintendent, Air Force Station, Manauri, Allahabad. The applicant was promoted as C.G.O(E) by Air Headquarters letter no. Air Headquarter/23046/72/PC 3 dated 03.09.2002. As per applicant, he was informed about his promotion granted to him during September, 2002 after a lapse of 4 months vide Order no.C.Adm.O/Ic.Civil Admin Service Note No.24 ED/C-638/2/PC dated 16.12.2002. The applicant on coming to know ^{in about} ~~and~~ this, ^{he} ~~has~~ ^{he} filed a representation on 30.12.2002 before A.O.C.No.24 ED.AF Station, Manauri, Allahabad.

3. The request of the applicant made in the representation is that either he should be adjusted at Manauri itself on the promotional post which is presently available or else he would forego his promotion and he should be allowed to continue on the said post. The grievance of the applicant is

that he has not been communicated any decision so far and in the mean-while the Headquarters Logistics Wings has issued letters dated 07.02.2003 and 22.02.2003 holding the applicant as absent and also for initiating action against the applicant for his absence. In our view, once the applicant filed his representation on 30.12.2002, the respondents ought to have considered^h the same and communicated^h the decision on the same which has not been done. It has^{been} brought to our notice that as per Air Hqrs. letter no.23045/52/19181/PC(DPC) dated 19.11.1981, as amended from time to time, the provisions exist for refusal of promotion and in such case one is required to file an adverse career certificate.

4. In our considered opinion, the interest of justice shall better be served if the representation of the applicant dated 30.12.2002^{is} be decided by the respondent no.3 within a period of 4 weeks. We also direct the applicant to submit the required application in case he wants to refuse promotion alongwith the adverse career certificate in the proper format, as required by the Air Headquarters. The respondent no.3 will look into the entire issue and pass appropriate orders as per rules, within a period of 1 month^s from the date of communication of this order. We also provide that till the representation is decided, the applicant will be allowed to continue on his present post^{or any other equivalent post} at Air Force Station, Manauri, Allahabad where he is working. The O.A. stands finally disposed of at the admission stage. No order as to costs.

/M.M./


Member (J)


Member (A)