

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 713 OF 2003

MONDAY, THIS THE 04th DAY OF AUGUST, 2003

HON'BLE MAJ GEN K. K. SRIVASTAVA, A.M.
HON'BLE MRS. MEERA CHHIBBER, J.M.

Moti Lal Malhotra,
son of Late Devi Das Malhotra,
resident of H.No.2L/13, Dabauli-I,
Kanpur Nagar.

.....Applicant

(By Advocate : Shri R.K. Shukla)

V E R S U S

1. The Union of India,
through the Secretary,
Ministry of Defence,
Department of Defence Production,
Government of India,
DHQ PO, New Delhi-11

2. The Director General,
Quality Assurance Estt.,
Deptt. of Defence Production (DGQA),
Ministry of Defence,
Govt. of India,
DHQ PO New Delhi-11.

3. The Controller,
Controller of Quality Assurance Estt. (GS),
Ministry of Defence (DGQA),
Govt. of India,
Post Box No.127,
Kanpur - 208 004

.....Respondents

(By Advocate : Shri P.D. Tripathi)

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

Grievance of the applicant in this case is that there were two vacancies available in the year 2002 before the retirement of applicant on 30.11.2002 when one shri Ram Autar



Chief Draughtsman Grade II retired in September 2002 and the other ^{whereas} Shri Abdul Bari retired as Chief Drafts Man Grade-II in October 2002. There had been instances wherein ⁱⁿ such circumstances, department had given promotion to the persons from the extended panel but in case of applicant inspite of his representation dated 21.10.2002 neither he was given the promotion nor his representation was decided by the department and it was only after he superannuated that Shri A.K. Srivastava ^{who was,} ~~that is~~ his junior, was promoted as Chief Draughtsman grade-II vide order dated 13.01.2003 (Pg.18), thus, depriving him of his promotion for two months which he was entitled to otherwise in law, as a result of which he has further suffered fixation in the pensionary benefits etc. Therefore, finding no other remedy, the applicant has filed the present O.A. seeking the following reliefs:-

- " (i) to issue a writ order or direction in the nature of mandamus commanding the respondents to promote the applicant on the higher post of Chief Draughtsman grade-II w.e.f.01.10.02 with all consequential benefits including amendment in retiral benefits.
- (ii) to issue any other suitable writ, order or direction in the facts and circumstances of the case which this Hon'ble Tribunal may deem fit and proper."

2. Counsel for the respondents submitted that none of his juniors were promoted, so long he was in service and Shri A.K. Srivastava was promoted only in Jan 2003 by which time applicant had already superannuated. Therefore, he cannot have any grievance. However, counsel for the respondents was not able to explain as to how department had issued an extended panel with regard to certain persons vide order dated 12.02.2003 (on

page 15), while no such provision was made for the post of Chief Draughtsman Grade-II. We, therefore, feel that ends of justice will be met in this matter if this O.A. is disposed off at the admission stage itself by giving a direction to the respondents to consider the representation given by the applicant (on page 16) followed by reminder dated 07.11.2002 (on page 17) and to pass a reasoned and speaking order thereon under intimation to the applicant. Respondents are also directed to look into the aspects as to how different yardsticks are being adopted for different persons in different categories ^{R (with regard to extended panel) R}. This shall be done within a period of 2 months from the date of receipt of a copy of this order.

3. With the above directions, this O.A. is disposed off at the admission stage itself with no order as to costs.



Member (J)



Member (A)

shukla/-