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*No Promotion*  
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A. No.** 726/1988  
**ExxNox**

**DATE OF DECISION** 25-11-1992.

Radheshyam Motiram Tekwani, Petitioner

Mr. R.V. Deshmukh, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Radheshyam Motiram Tekwani,  
Works Clerk Gr. I,  
Gopal Bhavan,  
71, New Bungalow Area  
Sahjipur Bogha P.O.  
Ahmedabad.

.... Applicant.

(Advocate: Mr. R.V. Deshmukh)

Versus.

1. Superintending Engineer  
Civil (Co-ordination) and  
Chairman, Departmental  
Promotion Committee,  
P & T Civil Circle,  
2nd Floor, Naranpura Post  
Office Building, Naranpura,  
Ahmedabad.

2. Union of India  
(Notice to be served upon  
The Director General,  
Department of Telecommunication,  
Sanchar Bhavan, New Delhi). .... Respondents.

(Advocate: Mr. Akil Kureishi)

ORAL ORDER

O.A.No. 726/1988

Date: 25-11-1992.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. R.V. Deshmukh, learned advocate  
for the applicant and Mr. Akil Kureishi, learned advocate  
for the respondents.

2. The applicant, who was serving as Works Clerk  
Grade-I with respondent No.1, filed this application  
under section 19 of the Administrative Tribunals Act  
seeking the relief that the impugned order dated 24th  
November, 1988, vide Annexure A-8, passed by the  
respondents be quashed and set aside and it may be held  
that the applicant is eligible to be considered for the

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post of Head Clerk by the Departmental Promotion Committee scheduled to meet on 29th November, 1988 and the respondents be directed to consider the case of the applicant for promotion to the post of Head Clerk to be held Clerk by the DPC/dated 29th November, 1988. However, thereafter the applicant has amended the original application praying that the respondents be directed to exercise the powers under Rule 6 of the Recruitment Rules and process the case of the applicant as per Rule 6 of the Recruitment Rules, 1972, vide Ann. A-9.

3. The respondents have resisted the application by refuting all the allegations made in the application. After the hearing of this case by us, the learned advocate for the applicant submitted that the applicant has instructed him to withdraw the application with a permission ~~to him~~ to file a proper representation to the authority concerned for relaxation as per Rule 6 of the old ~~Recruitment~~ rules or as per Rule 6 of the new Recruitment Rules, 1972. The learned advocate for the respondents submitted that the applicant may forward the proposed representation through proper channel to the authority concerned which ~~who~~ will consider the representation according to ~~the~~ ~~new~~ ~~old~~ rules, ~~so that~~ will not enable ~~to~~ the applicant to have fresh cause of action to the petition on the same ~~mentioned~~ grounds ~~as per~~ this O.A. However, if he has any cause of action except ~~what~~ is ment<sup>thm</sup>

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before forum  
agitiate the question to the proper authority with  
this direction, the application is disposed of.

The applicant, if he desires to make representation  
as mentioned above, should make the same within two  
months from today and the authority concerned may  
dispose of his representation within three months  
from the receipt of this order. The application is  
disposed of as withdrawn. No orders as to costs.

R.C.B.

(R.C.Bhatt)  
Member (J)

(N.V.Krishnan)  
Vice Chairman

vtc.