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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

Original Application No.238 of 1990

Date of decision : November 4, 1992.

K.M.Kidav ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s.P.Palit,

B.Mohanty, A.Kanungo,

S.K.Mohanty, S.P.Pattnayak

N.Patra, Advocates.

For the respondents ...

Mr.Ashok Kumar Misra,

Sr.Standing Counsel(Central)

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.K.J.RAMAN, MEMBER (ADMN.)

...

1. Whether reportess of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? And
3. Whether Their Lordships wish to see the fair copy of the Judgment ? Yes.

...

J U D G M E N T

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be given to the Respondents to consider the case of the applicant for promotion to the post of Assistant Engineer with effect from 1.11.1989 when the post of Assistant Engineer fell vacant.

2. Shortly stated, the case of the applicant is that he was appointed as a Junior Engineer in the year 1963 under Dandakaranya Development Authority. He was senior most Junior Engineer. On 30.10.1989 a vacancy arose in the cadre of Assistant Engineer. The case of the applicant was not considered for promotion. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that true it is that a vacancy arose for the post of Assistant Engineer on 30.10.1989 but there ^{was} ~~being~~ a ban order passed by the Government of India stating that no promotion/ appointment should be given because the Dandakaranya Development Project was being wound up. In these circumstances, the case of the applicant was not considered for promotion and furthermore, within three months therefrom the applicant was deployed to the Surplus Cell. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. P. Palit, learned counsel for the applicant and Mr. Ashok Kumar Misra, learned Senior Standing Counsel (Central) appearing for the respondents.

5. The admitted position is that the Dandakaranya Development Project was in the stage of being wound up.

The fact that there was a ban order issued by the Government of India hasnot been disputed by the applicant. Further important fact is that within three months from 30.10.1989 the applicant was found to be surplus and has been deployed to the Surplus Cell and now is working under Central Public Works Department. In these circumstances, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

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MEMBER (ADMN.)

..... 4.XI.92
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
November 4, 1992/Saranghi.

