

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 621 of 1992

Date of Decision: 17.5.1994

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

MEMBER (ADMINISTRATIVE)

17 MAY 94

3 km 17
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 621 of 1992

Date of Decision: 17.5.1994

P.K.Jena & Others Applicants

Versus

Union of India & Others Respondents

For the applicants M/s. P. Palit,
B. Mohanty,
L. Jena,
Advocates

For the respondents Mr.Ashok Mishra,
Sr.Standing Counsel
(Central)

C O R A M:

THE HONOURABLE MR. K. P. ACHARAYA, VICE-CHAIRMAN
AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (AD MN)

JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN: In this application petitioners (two in number) pray that the petitioner No.1 should be considered for promotion to the post of Junior Technical Officer (Motor) and petitioner No.2 should be considered for promotion (Radar) and if they are found to be suitable, promotion should be given to both of them.

2. Shorn of unnecessary details, it would suffice to say that both the petitioners are at present working as Junior Technical Officer Gr. II as Motor/Radar in ARC, Charbatia. Both of them claim for promotion to Junior Technical Officer Gr. I and such promotion having been denied to them this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain
that in the absence of recruitment rules cases of the
fer

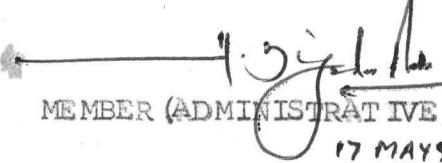
11

petitioners were rightly not considered for promotion and no illegality having been committed in the matter of their promotion, the case is devoid of merits and is liable to be dismissed.

4. We have heard Mr.P.Palit, learned Senior Counsel appearing for the petitioners and Mr.Ashok Mishra, learned Sr.Standing Counsel appearing for the opposite parties.

5. Vide order dated 15.12.1992, this Bench had directed OP Nos. 2,3, 4 and 5 to consider the cases of both the petitioner No.1 for promotion to the post of Junior Technical Officer Gr.I(Motor) and petitioner No.2 for the post of Junior Technical Officer Gr.I(Radar) and opinion of the DPC or anyother competent authority should be kept in a sealed cover adjudging their suitability. To-day Mr.Palit and Mr.Ashok Mishra submitted that the result of the test in respect of the candidates other than the petitioners have already been declared and they have been given promotion. Rightly Mr. Palit urged that the result in respect of both the petitioners kept in a sealed cover should now be disclosed and in case the petitioners have turned out successful in the test they should be given promotion to the post of Junior Technical Officer Gr.I Motor/Rader respectively and in case they are not successful they are not entitled to ^{their} promotion. Since the learned Sr.Standing Counsel submitted that the recruitment rule has already come into force, it is directed that the result of the test taken by the petitioners kept in a sealed cover should now be published and in case the petitioners have turned out successful, promotion should

be given to them to the post of Junior Technical Officer Gr.I (Motor/Radar) and in case they are found to be not successful, question of promotion to the post in question does not arise. Thus the application is accordingly disposed of. No costs.

← 
MEMBER (ADMINISTRATIVE)

17 MAY 94


17.5.94
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 17.5.1994/ B.K. Sahoo