

Order dt 25/08/03

None appears for the Applicant.
However, Mr A.K. Bose, learned Senior
Standing Counsel is present. Call
this matter before Division Bench
on 02/09/2003.

Member (J)

02.09.2003.

Call this division Bench matter
on 12.09.2003 for hearing.

Member (J)

Order dt. 12.09.2003

This Original Application has been filed by Akmal Khan, ventilating his grievance that the Respondents have not upgraded the post of Senior Stenographer at Bhubaneswar although such a recommendation was made by the 4th Pay Commission. He has therefore approached this Tribunal with a prayer that the Respondents be directed to upgrade the post of Senior Stenographer in the office of the Respondent No. 4 at Bhubaneswar.

2. None appears on behalf of the Applicant nor there is any formal request for adjournment, nor the Applicant is present in person. On the earlier occasions also on 25.08.03 and 02.09.03 when this matter was listed for hearing, none appeared for the Applicant. However, Mr. A.K. Bose, learned Senior Standing Counsel is present. We have perused the records of the case with his aid and assistance.

3. The sole prayer of the Applicant in this Original Application is that the Respondents, following the recommendation of the 4th Pay Commission, should upgrade the post of Senior Stenographer to next higher level of Stenographer Gr.I. In ^{the} event of such an upgradation taking place, the Applicant would be able to enjoy the fruits of promotion, without suffering

For hearing
(stay continuing)

Bench.

for hearing

Bench

11.9.03

the pang of transfer from Bhubaneswar to an out station. The Respondents have submitted that it has not been possible to upgrade the post of Senior Stenographer to Stenographer Gr.I but by adjustment in establishment, they have been able to create 2 posts of Senior Stenographer Gr.I at New Delhi, which is the headquarters of their organisation. Out of the said 2 posts created, they have offered promotion to the Applicant by posting him there. The pay scale of the upgraded post is Rs.5500-9000/-. They have further disclosed that inspite of the fact that the Applicant has been granted promotion (Annexure-5), he has refused to accept the promotion because that involved his shifting from Bhubaneswar to Delhi, which he apparently does not like.

4. From the facts of the case, it is clear that the Applicant is unwilling to move out of Bhubaneswar for personal reasons and it is because such of personal problem that he is denying himself the benefit of promotion. In the circumstances, we see no scope to offer him any of the relief, he has sought for in this Original Application because to serve an individual interest, the condition of service cannot be abridged, without affecting the interest of the organisation. In the event of a clash between individual interest, and organisational interest, organisational interest must prevail. In view of these facts and circumstances of the case, we see no merit in this Original Application and accordingly dismiss the same being devoid of merit. No costs.

[Signature]
Vice Chairman

[Signature]
Member (Judicial)

Free copies of
final order
dt. 12.9.03
issued to
counsel for
both sides.

PS
26/9/03 S.V. (J)