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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO. 651/2005

Cuttack this the 23rd day of June, 2006

CORAM:

**THE HON'BLE MR. JUSTICE B. PANIGRAHI, THE CHAIRMAN
AND
THE HON'BLE MR. B. B. MISHRA, MEMBER (ADMINISTRATIVE)**

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Bajjnath Pandey, aged about 51 years, Son of late Baldeo Pandey, Vill/PO-Charbhatti Khurd, District: Bilaspur (Chhatisgarh) at present working as Junior Technical Officer, Grade-I, Para Despatch Section, Air Wing, Aviation Research Centre, Charbatia, At/PO-Charbatia, District-Cuttack

...Applicant

By the Advocates : M/s. B. S. Tripathy

M. K. Rath

J. Pati

-VERSUS-

1. Union of India represented through the Cabinet Secretary, Cabinet Secretariat, South Block, New Delhi
2. The Special Secretary, Aviation Research Centre (ARC), Headquarters, East Block-V, R.K. Puram, New Delhi-110066
3. The Deputy Director (Admn.), Air Wing, Aviation Research Centre, Director General (Security), Cabinet Secretariat, East Block-V, R.K. Puram, New Delhi-110066
4. The Deputy Director (Admn.), Aviation Research Centre, (ARC), Charbatia, At/PO-Charbatia, District-Cuttack
5. Shri P. K. Jena, at present working as Junior Technical Officer, Grade-I, Office of the Chief Engineer, Aviation Research Centre (ARC), Headquarters, East Block-V, R.K. Puram, New Delhi

...Respondents

By the Advocates : Mr. B. N. Udgata, A.S.C.

ORDER

MR. JUSTICE B. PANIGRAHI, THE CHAIRMAN:

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The applicant, being aggrieved by the action of the Respondents in not giving him promotion to the grade of Assistant Technical Officer (in short A.T.O.) has filed this case. He has stated to have been placed at Sl. No. 1 of the combined seniority list of J.T.O. I and is eligible to be promoted to the

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grade of Assistant Technical Officer. But the Respondent-authorities, ignoring the claim of the applicant have given promotion to the grade of A.T.O. to Respondent No.5, who is junior to him. Therefore, he has prayed for appropriate direction to the Respondents to give him promotion from the date when Res. 5 was so promoted.

2. The Respondents have filed their counter- reply in which it is stated that it is true that the applicant stood against Sl. No.1 in the combined seniority of JTO I. But because of a disciplinary proceedings in which penalty of reduction of pay at one stage for three years was given, his case could not be considered for promotion. The case of Respondent No.5 was considered in a review D.P.C. Therefore, the applicant cannot claim parity with Respondent No.5. But the Respondents have unequivocally stated to consider the applicant's case after he attained eligibility, i.e., from 29.5.2005.

3. Shri B.S.Tripathy, the learned counsel for the applicant has submitted that the Respondents may ignore the claim of the applicant on the ground that there exists no vacancy for promotion from the grade in which the applicant is presently working. But we find from the combined seniority list that it is comprised of all the trades. Therefore, the applicant's case can be considered for promotion to the grade of A.T.O. as and when vacancy arises against the combined seniority list.

With the above observation, this O.A. is disposed of. No costs.

B.M.
(B.B.MISHRA)
MEMBER(ADMN.)

B. Panigrahi
(B.PANIGRAHI)
CHAIRMAN