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O.A.NO.612 OF 2006

ORDER DATED 25.08.06

The case of the Applicant is that he had entered into the service of the Census Organisation of the Government of India since 1970. While continuing as such he was promoted to the post of Statistical Assistant whereafter to the post of Investigator in 1998. In the meanwhile the Government of India amended the Recruitment Rules in bifurcating the posts of Investigator into Statistical Investigator Gr.I, Gr.II and Gr.III and, accordingly, he was allowed to continue since 1998 in the post of Statistical Investigator Gr.II. After that it was specified in the Rules that the post of Statistical Investigator Gr.I shall be filled up 50% by direct recruitment and 50% by promotion from Statistical Investigator Gr.II with three years regular service in that grade. Taking into consideration the eligibility criteria and other service records, the Applicant was promoted to the post of Investigator Gr.I w.e.f. 01.09.2002. It is submitted by the Applicant that although he was promoted to the post of Statistical Gr.I he was neither allowed to hold the said post nor he was paid the salary in that grade. He further submits that in office order dtd. 02.01.2003 wherein some juniors of the applicant in the Investigator Gr.II were promoted to the post of Investigator Gr.I whereas nothing was stated with regard to him.

2. Heard Mr.D.K.Mohanty,Ld.Counsel for the Applicant and Mr.U.B.Mohapatra,Ld.Sr.Standing Counsel; on whom a copy of this O.A. has already been served.

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3. Having heard the Counsel for both the parties, it is seen from the records that the Applicant without preferring any representation before the authorities has approached this Tribunal in the present O.A. filed under Section 19 of the AT Act, 1985 praying as under:

- “(i) To direct the Respondents to promote the applicant to the post of Investigator Gr.I from the date when his juniors were promoted with all service and financial benefits retrospectively.
- (ii) To pass any other order/orders as deemed fit and proper.”

Therefore I am not inclined to issue notice in this Original Application. Hence, this O.A. is disposed of being premature. However, if the Applicant prefers to file any representation before the Respondents, he may do so and the same should be disposed of by the Respondents as per the Rules.

4. The O.A. is, accordingly, disposed of with no order as to costs.

5. Send copies of this order to the Respondents along with copies of this O.A. and free copies of this order be given to the Ld.Counsel for both the parties.


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MEMBER(ADMN.)