

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 31.08.2000

O.A. No. 309/1995

P.P. Agrawal S/O Shri D.C. Gupta, aged about 54 years,
R/O Telecom Colony, Pal Road, Subhashnagar, at present
employed on the post of Deputy General Manager, Defence
Communication, Jodhpur.

... Applicant

Vs

1. Union of India through Secretary to the Government
India, Ministry of Communication, Telecom Department
Sanchar Bhawan, 20 Ashoka Road, New Delhi.
2. Chairman, Telecom Commission, New Delhi.
3. Shri Rajendra Singh (406) General Manager, M T N L
New Delhi.
4. Shri P Ganesh (417) Dy. Director, General (SAT)
Telecom Commission, New Delhi.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicant.

Mr. Vineet Mathur, Counsel for the Respondents No. 1 & 2.

None is present for the Respondents 3 & 4.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

Applicant, P.P. Agrawal, in this application
under Section 19 of the Administrative Tribunals Act, 1985,
has prayed for a direction to the respondents to consider


Cupals of

Contd...2



the case of the applicant for promotion to the post of Senior Administrative Grade (SAG) in I.T.S. Grd. A on ad hoc basis ~~at~~ par with his junior with all consequential benefits.

2. Applicant's case is that he was initially appointed as Probationer on the post of ADET at Jodhpur. On completion of probation, he was substantively appointed to Telegraph Engineering Service w.e.f. 06.2.1972, and was promoted to senior time scale in 1977 and to junior Administrative Grade in 1982. The next promotional post is that in S.A.G and it is a selection post. The respondents vide their orders dated 03.6.'96 (Annexure A/1) and dated 12.8.'94 (Annexure A/2) have promoted on ad hoc basis to S.A.G. S/Shri Rajendra Singh (Respondent No.3) and P. Ganesh (Respondent No.4) who are junior to the applicant. Feeling aggrieved, the applicant has filed this application.



3. In the counter, the official respondents have stated that the case of the applicant was considered by the Screening Committee, but the Committee found him 'Not yet fit' for promotion. Further, the case of the applicant for regular promotion to S.A.G. is under consideration. The official respondents have also stated that the applicant had agitated the matter before the Principal Bench of the Central Administrative Tribunal vide O.A No.1097/94 and the same was rejected vide order dated 19.8.94 (Annex R/2) with the following observations ;

"10. In the circumstances, this application is liable to be dismissed and we do so. However, we make it clear that if and when the applicant is considered by the DPC for promotion on a regular basis to the Senior Administrative Grade, the DPC shall also consider whether the applicant should be given the benefit of ad hoc appointment which has been denied to him at this stage by

Confab. g

Contd...3

- 3 -

impugned Annexure A/1 order dated 31.1.94 in case the benefit of such ad hoc appointment is given to his junior for any purpose."

It has, therefore, been prayed by the respondents that the application may be rejected.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. The applicant had earlier approached the Principal Bench of the Tribunal impugning the orders of the respondents dated 31.1.1994, wherein some of the juniors to the applicant were ~~promoted~~ on ad hoc basis to the SAG, and as has been mentioned above, the application was dismissed and it was directed that if and when the applicant is considered by the DPC for promotion on regular basis to the SAG., the DPC shall also consider whether the applicant should be given the benefit of ad hoc promotion.

6. The applicant had simultaneously filed an O.A. No. 380/94, before this Bench, wherein it was prayed that the respondents be directed to convey him the toned down/down graded ACRs because according to him, he had not been considered for ad hoc promotion to the post of SAG of ITS Grade 'A' due to placing some adverse material in his record. This O.A. was disposed of on 8.11.'94 with a direction to the respondents that they should inform the applicant within two weeks as to why he has not been considered even for ad hoc promotion when his juniors have been promoted by order dated 31.1.94 as also the respondents will inform him about the adverse material on record, if any.

7. The applicant has not mentioned anything in this O.A. about the O.A. No.1097/94 filed before the Principal

Cupals G

Contd....4

(26)

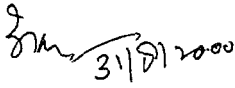
Bench and O.A. No. 380/94 before this Bench. Thus, the applicant has not approached this Tribunal with clean hands. Moreover, in O.A. No.1097/94 before the Principal Bench, the applicant had prayed for consideration of his case for ad hoc promotion to SAG at par with his juniors. In the present application also the applicant has prayed for consideration of his case for ad hoc promotion to the SAG at par with his juniors. The applicant has already suffered the order dated 19.8.'94 in O.A. No. 1097/94 in this regard. Therefore, the applicant cannot be permitted to agitate the same issue again and again. Further, in terms of directions of this Tribunal in O.A. No.380/94, the respondents must have conveyed to the applicant the reasons for ignoring him for promotion on ad hoc basis to the SAG. The applicant has not whispered a word about this in the present O.A.

8. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

9. The Original Application is accordingly dismissed with no order as to costs.



(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

J

Copy Received
K.S. Gill
for V.K. Malhotra
6-9-2000

R/Copy
00719
FBI/DOJ

Part II and III destroyed
in my presence on 9-2-07
under the supervision of
section officer as per
order dated 12/1/06

Section officer (Records)