

O.A. No. 407/95

Date of Order: 8.5.1998

Ram Pratap Meena s/o Shri Baldev ji Meena, r/o Quarter Type II  
15K Annu Kiran Colony, Bhabha Nagar, Rawat Bhatta via Kota,  
District Chittorgarh (Rajasthan) working as Driver in NPCL  
(RAPS), P.O. Annu Shakti, via Kota.

... Applicant

V E R S U S

1. Union of India through the Secretary, Department of Atomic Energy, Government of India, Annu Shakti Bhawan, CSM Marg, Colaba, Bombay.
2. The Deputy Secretary, Department of Atomic Energy, Government of India, Annu Shakti Bhawan, CSM Marg, Colaba, Bombay.
3. The Assistant Personnel Officer (P), Nuclear Power Corporation, Rajasthan Atomic Power Station (RAPS), P.O. Annu Shakti, Via Kota

... Respondents

Mr. S.K. Malik, Counsel for the applicant.

Mr. Arun Bhansali, Counsel for the respondents.

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

The applicant, Ram Pratap Meena, has filed this application Under Section 19 of the Administrative Tribunals Act, 1985, praying for considering the case of the applicant for in-Situ promotion w.e.f. 1.10.1989 with all consequential benefits.

2. The case of the applicant is that in terms of Government of India, Ministry of Finance, Department of Expenditure's O.M. dated 13th September, 1991 (Annex. A/2), he was entitled to in-Situ promotion alongwith his juniors whereas his juniors have been given promotion vide orders dated 20th December, 1994 (Annexs. A/3 and A/4). His case was

Gopal Singh

over looked for promotion under the scheme. Notices were issued to the respondents and respondents in their reply have submitted that the scheme under consideration was to be effective from 1.4.1991 and all the officials mentioned in Annexures A/3 and A/4 were given promotion under the scheme w.e.f. 1.4.1991 or thereafter. The basic conditions for in-Situ promotion as outlined under the scheme were;

- (i) Employees who are directly recruited to a Group 'C' or Group 'D' posts.
- (ii) Employees whose pay on appointment to such a post is fixed at the minimum of the scale, and
- (iii) Employee who has not been promoted on regular basis even after one year of reaching the maximums of the scale of such posts.

All such employees were required to be considered in-Situ promotion under the scheme. It is contended by the respondents that the applicant drew the last increment in the existing scale on 1.12.1990 raising his pay to Rs. 1500/- (maximum of the scale). Subsequently vide respondents order dated 7.12.1990, the applicant was imposed punishment of reduction of his pay by two stages in the time scale. Thus his pay was reduced by two stages and on completion of the penalty, he was given in-Situ promotion to the higher scale. The learned counsel of the applicant has pointed out that as per pay fixation of the applicant, the applicant should have drawn Rs. 1500/- from 1.1.1990 as has been in the case in respect of his juniors.

3. We have heard the learned counsel of the parties and perused the records of the case.

4. Even if the contention of the learned counsel for the applicant is agreed to, the applicant would complete one year after reaching the maximums of the scale on 1.1.1991, but a penalty of reduction of his pay by two stages was imposed upon the applicant on 7.12.1990. As such it is very clear that the applicant has not drawn the maximums of the scale

Capitalising

for a period of one year. The respondents immediately after completion of the penalty period had given the applicant in-Situ promotion. We, thus, do not find any merit in the application and the same deserves to be rejected.

5. The O.A. is accordingly rejected. The parties are left to bear their own costs.

Gopal Singh  
(Gopal Singh)

Administrative Member

A.K. Misra  
(A.K. Misra)  
Judicial Member

Aviator/

Read by  
JAB  
14/5/98

Rec'd  
14/5/98

Part II and III destroyed  
in my presence on 17.3.2005  
under the supervision of  
section officer ( ) as per  
order dated 31.12.2003

6-1  
Section officer (Record) CP