

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 118/93

Monday, this the 14th day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI S.KASIPANDIAN, MEMBER(A)

K.R.Sukumaran Nair,
Projectionist, Field Exhibition Office,
Thycaud PO, Trivandrum. .. Applicant

By Advocate Shri M.R. Rajendran Nair.

V/s

1. Union of India, rep. by
Secretary, Min. of Information &
Broadcasting, New Delhi.
2. The Director General,
Directorate of Advertising &
Visual Publicity, K.G. Marg,
New Delhi.
3. The Deputy Director, -do- .. Respondents
4. Chief Exhibition Officer, -do-
By Advocate Shri K.Karthikeya Panicker, ACGSC.

ORDER

N. DHARMADAN

Applicant is at present working as Projectionist, Field Exhibition Office, Trivandrum, under the second respondent. He is aggrieved by the denial of promotion with reference to his seniority vis-a-vis his juniors S/Shri Krishnan Bhagavan and S.C.Bhagat.

2. According to the applicant, the next promotion post available to applicant is Exhibition Assistant/Technical Assistant. Applicant is fully qualified and eligible for promotion. He has got 30 years of unblemished service. In the seniority list of Projectionists, as on 1.3.86, the applicant is at serial No.10 whereas Shri Krishnan Bhagwan and Shri S.C.Bhagat are at serial Nos. 11 and 16 respectively. Applicant was promoted to the post of

Exhibition Assistant on 10.12.81; but on account of family problems in order to avoid dislocation of family, he declined the promotion. According to him, as per rules, he is entitled to promotion after 10.12.82. In the meantime number of his juniors were given promotion, but the applicant was never considered. Annexures-II and III are produced to show that S/Shri Krishna Bhagwan and S.C.Bhagat have been promoted without considering the applicant's claim. Hence, he filed detailed representations, Annexures-IV and V before the second respondent which have not been disposed of so far. Under these circumstances, he filed this application for a declaration that he is entitled to promotion as Exhibition Assistant/Technical Assistant with effect from the date of promotion of his juniors.

3. The contentions of the applicant has been rebetted in the reply statement. But it is admitted that the applicant was given promotion in the year 1981 and he declined the same. His promotion in 1981 was ad-hoc. It is not clear as to whether his case was cleared for regular promotion by the DPC. If the applicant's case has been considered and recommended by the DPC for promotion, it goes without saying that his name need not again be considered by the DPC after one year period in December, 1982 for giving him promotion.

4. In the reply respondents have only stated that prior to 26.11.86 the post of Exhibition Assistant was filled 25% by promotion by selection from the eligible Projectionists of the Directorate. But, with effect from 26.11.86, 100% of the post is filled up by direct recruitment on the basis of All India Competitive Examination conducted by the UPSC. Prior to 18.11.86 some of the

officers in the feeder category were considered for promotion but the applicant was not recommended by the DPC. Hence, he has not been given promotion after December 1982.

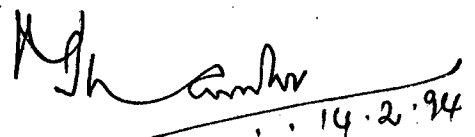
5. Details of the minutes of the DPC meeting and the recommendations thereof are not available. ^{were not produced before} ~~they~~ us. The ^u assertion of the applicant is that he was promoted in 1981 after following all the procedural formalities including the recommendation of DPC. Since the representations have not been disposed of by the second respondent after considering applicant's contentions, we are satisfied that the application can be disposed of with appropriate directions so that the administrative authority before whom the representations are pending may verify the position, consider his contentions and dispose of the same in accordance with law.

6. Having considered the matter in detail, we are of the view that the application can be disposed of with directions to the second respondent to dispose of Annexures-IV and V bearing in mind the contentions raised by the applicant in this O.A.. This direction shall be implemented within a period of four months from the date of receipt of a copy of this order.

7. The application is accordingly disposed of as above. There will be no order as to costs.



(S.KASIPANDIAN)
MEMBER(A)



(N.DHARMADAN)
MEMBER(J)