

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 248 of 1993.

DATE OF DECISION 11-02-1993

T. George Francis Applicant (s)

Mr. M. Girijavallabhan Advocate for the Applicant (s)

Versus

The Chief of the Naval Staff and another Respondent (s)

Mr. Abdul Sammad C.S. -ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. A.V. Haridasan, Judicial Member

and

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

## JUDGEMENT

(Hon'ble Mr. A.V. Haridasan, Judicial Member)

The grievance of the applicant Shri T. George Francis, Office Superintendent in the Naval Air Craft Yard, Naval Base, Cochin is that though he is the seniormost among the Superintendents and earlier officiated for some period as a Civilian Gazetted Officer (Group 'B'), the respondents have not promoted him even on adhoc basis as a Civilian Gazetted Officer Group 'B' though there is an existing vacancy. It has been averred that the immediate superior of the applicant has recommended the adhoc promotion of the applicant and though the applicant is to retire on 31.3.93 the competent authority has not taken any decision in the matter. The applicant has, therefore, filed

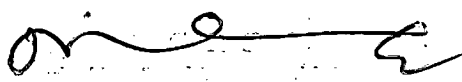
this application under Section 19 of the Administrative Tribunals Act praying that the first respondent may be directed to promote him on an officiating basis as a Civilian Gazetted Officer, Group 'B'.---

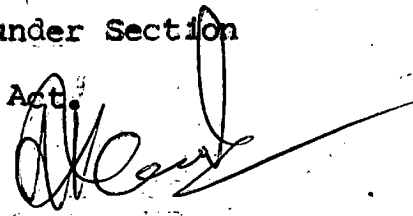
2. We have gone through the averments in the application and the connected documents and have also heard Shri Girijavallabhan, learned counsel for the applicant and Shri Abdul Sammad CS, ACGSC appearing for the respondents. Shri Girijavallabhan strenuously argued that there is absolutely no justification for the competent authority not to take a decision in favour of the applicant for the reason that the applicant had been officiating in that post earlier and also for the reason that a person with less length of service than the applicant had been promoted on an adhoc basis in Goa.

3. We are not impressed with these arguments. If the applicant has a grievance that he has been superseded in the matter of promotion, he should have challenged the promotion of his junior, which he has not done so far. It is <sup>the</sup> prerogative of the competent authority to decide as to when an adhoc promotion is to be made and who is to be appointed in accordance with the rules and instructions in that behalf without violating the legal rights of the person <sup>entitled to be considered.</sup> There is no malafides alleged in this application and none of the legal rights of the applicant is alleged to have been violated. Though

it will be beneficial for the applicant to get an adhoc promotion atleast for a short period before his retirement, unless there is a legitimate grievance to be redressed, this Tribunal cannot interfere and give any direction to the respondents.

4. In the light of what is stated above, we do not find any reason to entertain this application. Therefore, we reject the application under Section 19(3) of the Administrative Tribunals Act.

  
(R. Rangarajan)  
Administrative Member

  
(A.V. Haridasan)  
Judicial Member

11th February, 1993

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