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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 363 of 1991

Anand Kumar . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. Justice U.C.Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Srivastava, VC)

The applicant was appointed as a Lower Division Clerk at Records Punjab Regiment, Ramgarh Cantt, Bihar on 22.11.1983 on a temporary basis for a particular period. In the year 1985, he was transferred to Lucknow Head quarters. According to the applicant, he was entitled to for the promotional post of Stenographer, but he has been deprived of the same. As the matter of facts that the respondents who were junior to him have been promoted by passing his claim, while the applicant has not been promoted.

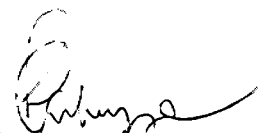
2. The respondents have opposed the application and have contended that of course, although the applicant was appointed as a Lower Division Clerk in the year 1983, but initially for a period of 6 months he was granted extension, but he was appointed on a regular basis w.e.f. 14.11.1986, which is also evident from his own application in which he stated this facts, and under the rules the copy of the same, which has been placed on the record, rules known as GPO 118 is the written qualification for the post stenographer. The post which has been claimed by the applicant is Lower Division Clerk with 3 years continuous service in the grade after appointment thereto on a regular basis. and as the applicant did not complete 3 years as such he is not entitled to claim for the promotional post and even otherwise he was tested


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thrice in which he failed and that's why he was not promoted and the respondents succeeded, were promoted.

3. The applicant was appointed in the year 1983 and his appointment was continuous, though from the records, which have been perused by us, it appears that his regular appointment takes ~~the~~ only from the year 1986 as he was confirmed as such w.e.f. 11.12.1986 after completion of three years probationary period. The applicant also passed the stenographer examination in the year 1987, it may be, that because of stringency of the rules, the applicant has not been promoted and can not make the promotional post and earlier he was tested, but in view of the facts that he has gained experience, he can not claim the said post as he prayed, but in view of the facts that he has worked in the department years together so far technical knowledge and the regular appointment starts from the year 1986 only he gained experience. There appears to be no reasons why two more chances will not be given to him. In case, the applicant succeeds in the same, he may be appointed as stenographer and we expect it that three chances will be given to him by the army authority in quick succession within a period <sup>of</sup> one year. However, in case, the applicant during this period <sup>of</sup> he has been tested and passed it, his case for appointment or promotion for ~~only~~ the said post <sup>will be</sup> ~~may be~~ considered. With these observations, the application stands disposed of finally. No order as to costs.

  
Member (A)

  
Vice-Chairman

Lucknow Dated: 10.12.1992.

(RKA)