

**CENTRAL ADMINISTRATIVE TRIBUNAL<sup>h</sup>**  
**LUCKNOW BENCH**

**Original Application No.359/2008**

**This the <sup>th</sup>12<sup>th</sup> day of January 2009**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J).**

**HON'BLE DR. A.K. MISHRA, MEMBER (A).**

Kashi Ram Verma, aged about 53 years S/o Sri Gayà Praśad Verma R/o 59 Satyalok Colony, Sitapur Road, Lucknow working as Lab Assistant Grade-I, Geo Physical Workshop, Geological Survey of India, Northern Region, Lucknow.

...Applicant.

**By Advocate: Shri A. Moin.**

Versus.

Union of India through

1. Secretary (Mines) Department of Mines, Shastri Bhawan, New Delhi.
2. Director General, Geological Survey of India, 27 Jawaharlal Nehru Calcutta-16.
3. Senior Deputy Director General, Geological Survey of India, Northern Region, Aliganj, Lucknow.

**By Advocate: Shri V.R. Chaube for Shri Sunil Sharma.**

**ORDER**

**BY MR. M. KANTHAIAH, MEMBER JUDICIAL.**

The applicant has filed the OA with a prayer to issue direction to the respondents to promote the applicant as Junior Technical Assistant (G/W) in grade pre-revised R.425-700/- revised pay scale of Rs. 1400-2300 CCS (RP) Rules 1986) w.e.f. 10.05.1987 with all consequential

benefits taking into consideration the order dated. 02.01.2004, 07.01.2004 and Office noting dated August 2006 read with the Order dated 25.06.2008 (Annxure-A-1) issued by Respondent No.2 on the following grounds:-

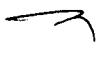
(i). That the applicant is fully entitled for consideration for promotion top the post of Junior Technical Assistant (G/W) as per statutory Recruitment Rules and statutory principle of determining sonority in the subordinate office O.M. dated 22.12.1959 w.e.f. the yea 1987 with all consequential benefits.

(ii). That there was direction from the Respondent No.2 vide order Dt. 24.6.2008 (Ann-A-1) to the Respondent No.3 for considering the claim of the applicant for promotion on the pending representation of the applicant. But there is total in action on the part of the Respondent N.3.

2. The respondents have filed Counter Affidavit, denying the claim of the applicant on the ground that the claim of the applicant is barred by limitation and the order Dt. 24.6.2008 (Ann-A-1) issued by Respondent No.2 is only inter office communication and further when the representation of the applicant is still pending, this OA is not maintainable. The respondents have also further stated that the applicant is not entitled f promotion as per new recruitment rules, which came into effect on 21.5.2001 and as such, the OA is time barred.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

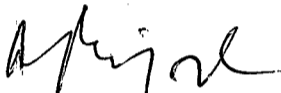



5. It is the case of the applicant that he is entitled for promotion to the post of Junior Technical Assistant (G/W) in grade Rs. 427-700/- revised pay-scale of Rs. 1400-2300 w.e.f. 10.5.1987 as per statutory recruitment rules with all consequential benefits and he also made representation in the year 1987 itself and the same is still pending without disposal and further, the Respondent No.2 also directed the Respondent No.3, who is competent authority to consider the claim of the applicant for promotion and resolve the issue vide order Dt. 24.6.2008 (Ann-A-1). But the respondents have taken objections that the applicant is not entitled for promotion to the post of Junior Technical Assistant (G/W) in view of new Recruitment Rules, which came into effect w.e.f. 21.05.2001 and further, the claim of the applicant is also barred by limitation in view of such new recruitment rules and further, the order Dt. 24.6.2008 (Ann-A-1) issued by Respondent No.2 is only inter-office communication and as such, the OA is not maintainable. The respondents have also admitted that the representation of the applicant is still pending. It is the duty of the Respondent No.3, who is competent authority to dispose of the same and pass a reasoned order. Without considering such pending representation of the applicant, it is not open to the respondents to deny his claim on the pretext of new Recruitment Rules and also on the ground of limitation without passing any orders. Thus, the objection of the respondents that the claim of the applicant is barred by limitation on the ground that new Recruitment Rules came into effect w.e.f. 31.05.2001 is not at all maintainable. Further, the respondents also admit that the representation of the applicant is still

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pending and in such circumstances allowing the clam of the applicant is not at all justified.

In view of the above circumstances, OA is disposed of with a direction to the Respondent No.3 to consider the pending representation of the applicant and also by treating this OA as additional representation of the applicant in respect of his promotion to the post of Junior Technical Assistant (W/S) and pass reasoned order as per rules within a period of three months from the date of supply of the copy of this order. No costs.

  
**(DR. A.K. MISHRA)**  
**MEMBER (A)**

  
**(M. KANTHAIYAH)**  
12.01.2005  
**MEMBER (J)**

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