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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

OA No. 250/1992

Lucknow, this 20th day of February, 2001

Hon'ble Mr. Rafiquddin, JM
Hon'ble Mr. M.P. Singh, AM

Gomti Prasad
EIII/977, Indra Vihar
Aliganj Lucknow .. Applicant

(By Mr. S. Bhatnagar, Advocate)

Versus

Union of India, through

1. Secretary
M/Agriculture, New Delhi
2. Under Secretary
EIII Section, Krishi Bhavan, New Delhi
3. Economic & Statistical Advisor
Dept. of Economics & Statistics
New Delhi
4. Chief Admin. Officer
Dept. of Economics & Statistics,
New Delhi .. Respondents

(By Mr. Sunil Sharma, Advocate)

ORDER (oral)

By Mr. Rafiquddin

The applicant was initially appointed on the post of Chowkidar with effect from 11.12.73. He came to be promoted on the post of LDC in December, 1984 and since then he has been working on that post. Name of the applicant was indicated at Sl. No. 407 in the seniority list published by the respondents in February, 1986 in which the date of promotion was also given as 22.12.84 (Annexure A-8 to the OA). The grievance of the applicant in this OA is that he made representation dated 3.2.88 claiming that very juniors to the applicant have been given promotion years back while he was fully qualified for promotion and there was nothing adverse on record nor communicated at any point of time but his rightful claim was ignored by giving promotion to the juniors

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his date of promotion being mentioned as 22.12.84 and he was given the benefit thereafter. Applicant by means of this OA has, therefore, sought direction to the respondents not to give effect of the order changing the nature of appointment on promotion to the post of LDC on ad hoc basis from regular temporary basis and to grant him the benefits attached to the post of LDC with effect from the date his juniors were given promotion, and also to treat him as regularly promoted.

2. We have heard the counsel for the parties and perused the records.

3. Learned counsel for the applicant has conceded at the bar that no junior person to the applicant has been promoted by the respondents, therefore he does not press any relief on this ground. He however insists that the applicant could be granted promotion on the post of LDC w.e.f. 22.12.84 as indicated in the provisional list dated 28.2.86/3.4.86, Annexure A-2 to the supplementary rejoinder on the ground that vacancy against 5% quota for promotion from Group D to Group C was available in the year 1984 itself. Respondents have wrongly corrected the date of promotion from 22.12.84 to 10.9.87 in the seniority list dated 17.3.89 (Annexure A-3 to the OA). We find from the specific plea taken by the respondents in para 6 of the CA that regular/temporary vacancies against 5% quota from Group D to Group C occurred in the year 1987 and accordingly the applicant was considered and he was given promotion. This fact has not been specifically denied by the applicant in the rejoinder/supplementary rejoinder. Therefore, the question of grant of promotion to him in the year 1984 against 5% quota from Group D to Group C does not arise.

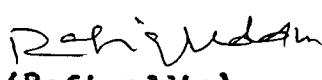
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Accordingly we do not find any merit in this OA and the same dismissed. There will, however, be no order as to costs.


(M.P. Singh)

Member (A)


(Rafiquddin)
Member (J)

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