

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No.271/87

Shri V.M.Deodhar,
"Bhagyashree",
Plot No.120(A),
Ambikanagar Colony,
Kedgaon,
AHMEDNAGAR - 414 002.

.. Applicant

v/s

- 1) The Scientific Adviser to the
Min of Defence & Director General
Research & Development, Directorate
of Personnel/RD-21(c), Ministry of
Defence, R&D Organisation,
'B' Wing, Sena Bhavan,
DHQ PO, New Delhi-110 011.
- 2) The Director,
V.R.D.E.,
Post Box No.10,
Ahmednagar - 414 002. .. Respondents.

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil.

Hon'ble Member(A) Shri L.H.A.Rego.

ORAL JUDGEMENT (Per Shri B.C.Gadgil, Vice-Chairman)
Dated: 23.7.1987.

This application was fixed for hearing today.
We have heard the applicant in person and also Shri Nirpharade, Administrative Officer of V.R.D.E.Ahmednagar for the Respondents. In our opinion, this application deserves to be summarily dismissed for the following reasons.

2. From the submissions made before us ~~one~~ ^{the} position is: The applicant was working as Stenographer in the Grade of Rs.330-560 at A.R.D.E.Pashan, Pune. In 1978, a number of posts in the higher pay scale of Rs.425-700 were created in various offices including that at Pashan and at Ahmednagar. The applicant made a request that he should be transferred to Ahmednagar. At that time, he gave an undertaking that he would reckon his seniority at Ahmednagar with effect from the date on which he would be reporting for duty at that

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place. This undertaking was given on 2.5.1979 and a copy thereof has been produced on behalf of the respondents. Thereafter, a formal order of transfer dated 11.12.1979 was issued. The applicant was transferred to V.R.D.E at Ahmednagar. A copy of the transfer order is produced before us. Para 3 of the transfer order states that the applicant will reckon his seniority in the grade from which he reports for duty at Ahmednagar. As stated earlier, additional posts in the grade of Rs.425-700 were created in 1978. ^{the meeting} D.P.C. was held for filling up these posts at Ahmednagar and also at Pashan. The applicant was not in the eligibility list at Pashan during 1978-79. Similarly, he was not at Ahmednagar when one post was filled in by the D.P.C. in that year. The remaining two posts could not be filled on account of certain administrative reasons.

3. Thereafter, a fresh meeting of the DPC was held in 1980. At that time, these two posts were filled by promoting S/Shri V.M.Deochake and M.D.Ambrit. The case of the applicant is that he should have been promoted in the higher grade in 1980 as he was senior to S/Shri V.M.Deochake and M.D.Ambrit. Thus, the question pertains to the promotion that took place in 1980 for the purpose of filling up the posts created in 1978. This Tribunal has no jurisdiction to entertain any dispute that has arisen prior to 1.11.1982. Consequently, the application is liable to be dismissed on that ground.

4. Apart from that, the application is liable to be dismissed even on merits. As observed above, DPC meeting was held in 1980 to fill up the posts that were created in 1978. In that year, the applicant was not working at Ahmednagar and consequently, he could not have been considered for any of the posts in question. The applicant contended that

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as posts were filled up after his transfer to Ahmednagar, his seniority should have been given due weightage. We are not impressed with this contention as the posts were created in 1978. The DPC which met in 1979 could not recommend the remaining two promotees on account of certain administrative difficulties. The DPC which met in 1980 has recommended filling in of the posts that were vacant since 1978. The applicant cannot claim promotion in any of these posts as he was not at Ahmednagar in 1978-79. The applicant himself gave an undertaking, that he would reckon his seniority at Ahmednagar from the date he joined that post at Ahmednagar. It is true, that he drew our attention to the order dated 28.11.78 (page 12 of the application) which states, that if the transfer was made on compassionate or administrative ground, the employee would retain his original seniority. However, this order, would not necessarily apply to the employee who had given an undertaking that he would agree from the date of joining. This is an additional fact that would go against the applicant. For all these reasons, the application is summarily rejected. No order as to costs.


(B.C. GADGIL)
Vice-Chairman


(L.H.A. REGO) 23.7.87
Member(A)