

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

77/78
O.A.No.1021/90.

Date of Judgment 26.8.1991.

N.Srinivasa Rao

.. Applicant

Vs.

1. Govt. of India,
Dept. of Atomic Energy,
Represented by its
Chairman & Secretary, AEU,
Bombay-400039.

2. The Addl. Secretary
(Cadre Authority),
Dept. of Atomic Energy,
Anushakti Bhavan,
CS Marg, Govt. of India,
Bombay-400039. .. Respondents

Counsel for the Applicant : Shri G.Bikshapathi

Counsel for the Respondents : Shri N.Bhaskar Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This application has been filed by Shri N.Srinivasa Rao under section 19 of the Administrative Tribunals Act, 1985 against the Govt. of India, Dept. of Atomic Energy, Represented by its Chairman & Secretary, AEU, Bombay-400039 and another.

2. The applicant joined the Nuclear Fuel Complex as Industrial Relations Officer on 24.5.83. He was later promoted as Senior Administrative Officer and posted to the Heavy Water Project at Manuguru. Later, he was transferred to Hyderabad in the same capacity. The next higher post is that of the Chief Administrative Officer. On 29.12.89 the respondents prepared a panel for promotion as Chief Administrative Officer and the applicant was shown at Sl.No.4 in that list. It is alleged that earlier there was a post in this grade which was shifted alongwith the

(78)

incumbent to Indore and the post was again diverted to Bombay where the incumbent had eventually retired. It is the case of the applicant that that post should now be brought back to Hyderabad. It is also his claim that since the 3 persons ahead of him in the panel had already been promoted as Chief Administrative Officer it is now his turn and that he should be promoted against the post to be brought back to Hyderabad and that he should be posted w.e.f.1.12.90 because the incumbent at Bombay who occupied this post had already retired on 30.11.90. It is also pointed out that the panel dated 29.12.89 has validity of one year i.e., upto 28.12.90 only.

3. A counter affidavit has been filed by the respondents who oppose the application. It is contended that they are at liberty to shift the post to suit administrative convenience. It is also denied that the 3 persons shown by the applicant ahead of him in the panel are ~~not the same~~ ^{actual} as the ones in the panel and that they are following the panel strictly. It is also stated that the validity of the panel is normally one year but the same can be extended by another six months at the discretion of the Cadre Controlling Authority. In the present case, the Cadre Controlling Authority has decided not to extend the validity of the panel and the panel prepared on 29.12.89 expired on 28.12.90.

4. We have examined the case and heard the learned counse for the applicant and the respondents. In the course of hearing as well as in the additional reply statement that the applicant had filed, it is pointed out that one Shri C.G. Sukumaran who earlier declined promotion as Senior Administrative Officer when he was posted to Manuguru should be considered junior to the applicant because he had declined promotion. Now, Shri C.G. Sukumaran has been promoted as Chief Administrative Officer earlier than the applicant. The applicant contends that this promotion of Shri C.G. Sukumaran is against the rules. The applicant

79

also points out that one panel had been prepared by the respondents in July, 1989 and another panel has again been prepared in December, 1989. It is alleged that the respondents are operating on both the panels simultaneously which is a gross irregularity. The respondents state that after preparing the panel dated 19.7.89 they felt the need for a supplementary panel to meet the requirements of the Nuclear Power Corporation and hence the panel of 29.12.89. The respondents point out that it was after exhausting the July panel that they started operating on the panel of 29.12.89 which contained the name of the applicant. The applicant's name did not figure in the earlier panel. In this ^{later} panel the applicant figured at Sl.No.4 while Shri S.G.Sukumaran figured at Sl.No.3. Promotion to the post of Chief Administrative Officer is by selection from the grade of Senior Administrative Officer. In this context, the relative seniority between the applicant and Shri S.G.Sukumaran in the grade of Senior Administrative Officer has no relevance. In the panel for Chief Administrative Officers Shri S.G.Sukumaran has been placed above the applicant. They are right in promoting him earlier. It is alleged by the applicant that Shri S.G.Sukumaran again declined the Chief Administrative Officer's post in the Nuclear Power Corporation and argues that he should be debarred for one year from promotion. The applicant has not substantiated this with any other evidence. In any case, he has not impleaded Shri S.G.Sukumaran and, therefore, we shall not look into this aspect. It is seen from the annexure to the counter affidavit that the applicant has also been promoted as Chief Administrative Officer and posted to Kalpakkam at Madras vide orders dated 26.2.91. The applicant has prayed that he be deemed to have been promoted to the grade of Chief Administrative Officer w.e.f. 1.12.90 with all consequential benefits. We find that the respondents had promoted him

(80)

in accordance with his position in the panel prepared.

We find no illegality in the action of the respondents and we do not intend to interfere in this case and dismiss the application with no order as to costs.

MS

(J. Narasimha Murthy)
Member (Judl).

R.Balasubramanian
(R. Balasubramanian)
Member (Admn).

u
Dated

26th August 91

S. S. Registrar.

To

1. The Chairman & Secretary, AEU
Govt. of India, Dept. of Atomic Energy,
Bombay - 39.
2. The Addl. Secretary (Cadre Authority),
Dept. of Atomic Energy, Anushakti Bhavan,
CS Marg, Govt. of India, Bombay - 39.
3. One copy to Mr. G. Bikshapathy, Advocate, CAT. Hyd. Bench.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One copy to Hon'ble Mr. J. Narasimha Murty, Member (J) CAT. Hyd.
6. One spare copy.

pvm

4/5/91
19191 -

PM
4/9/21

(4)

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY: M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 26 - 8 - 1991

ORDER/ JUDGMENT

M.A./R.A./C.A. No.

D.A. No. 1021

T.A. No.

Admitted and Interim directions issued.

Allowed.

Disposed of with direction.

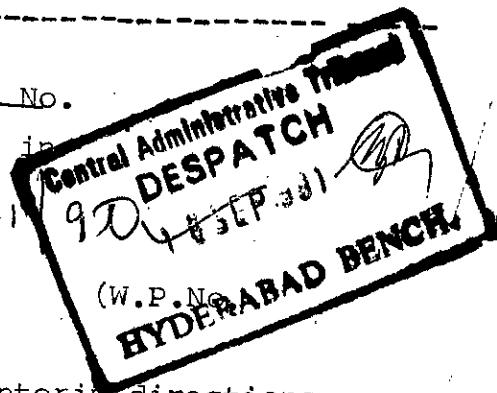
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



50079
3/9/91