

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

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U.L

AT HYDERABAD

OA.529/92

date : 15-2-95

Shoukat Ali

Applicant

versus

1. Union of India, rep. by
the Secretary
Min. of Defence
New Delhi

2. Director General of EME
Army HQ, New Delhi

3. Officer in Charge
EME Records
Secunderabad

4. Colonel Records
EME Records, Secunderabad

: Respondents

Counsel for the applicant

: G.V. Subba Rao,
Advocate

Counsel for the respondents

: N.R. Devaraj, SC for
Central Govt.

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER(ADMN.)

O.A.NO.529/92.

JUDGMENT

Dt:15.2.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant joined service as Peon (Group 'D') in E.M.E. on 1.10.1981. He is an orthopaedically handicapped and he was being given special allowance. 10% of LDC posts which are in Group 'C' have to be filled up from among Group 'D' on the basis of their performance in the Limited Departmental Competitive Examination. The applicant appeared for the said examination conducted in 1991. The applicant filed this OA on 29.6.1992 praying for direction to the respondents to issue promotion to the applicant as LDC and to post him in the said post by declaring that the delay in issue of the order is arbitrary, illegal and unconstitutional.

3. The applicant was promoted as LDC and he joined the said post on 23.9.1993 ie., during the pendency of this OA. It is stated for the respondents that the applicant is at Sl.No.14 of the panel and he was given promotion when his turn had come.

4. It is now urged for the applicant that his juniors were placed above him in the said panel. It is

contd....

Copy to:-

1. The Secretary, Ministry of Defence,
Union of India, New Delhi.
2. Director General of EME Army HQ, New Delhi.
3. Officer in Charge EME Records, Secunderabad.
4. Colonel Records, EME Records, Secunderabad.
5. One copy to Mr. G. V. Subba Rao, Advocate, CAT, Hyd.
6. One copy to Mr. N. R. Devaraj, SC for Central Govt.
7. One copy to Library, C. A. T. Hyd.
8. One spare.

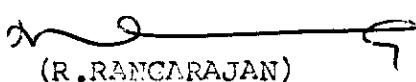
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a matter which has to be considered in the presence of those who are above the applicant in the relevant panel. They are not parties to this OA. So, the said aspect cannot be considered in this OA. But as it is a case of promotion of the applicant ~~as~~ as LDC during the pendency of this OA and as he came to know about his position in the panel only during the pendency of this OA, it is just and proper to give opportunity to the applicant to make a representation in regard to the seniority either on the basis of reservation of orthopaedically handicapped ~~in regard to the~~ promotion or otherwise to the competent authority ~~in regard to the~~ if he is so advised, and if he is going to be aggrieved by the order of the competent authority in regard to the same, he is free to move this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, by impleading the necessary parties.

5. Subject to the above, this OA is dismissed as being infructuous. No costs. /


(R. RANCARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 15th February, 1995.
Open court dictation.


Dy. Registrar (Judl)

vsn