

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA.No.60/99

Date of Order: 01-02-1999

BETWEEN:

T.Bairagi

... Applicant

AND

- | | |
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| <p>1. Union of India, rep. by its Secretary, Govt. of India, Ministry of Agriculture, Department of Agriculture & Co-operation, Shastri Bhavan, New Delhi.</p> <p>2. The Chief Soil Survey Officer, Government of India, All India Soil & Landuse Survey, I A R A Buildings, New Delhi.</p> | <p>3. The Assistant Soil Survey Officer, All India Soil and Landuse Survey, Ministry of Agriculture, Telhan Bhavan, Himayatnagar, Hyderabad.</p> <p>... Respondents</p> |
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Counsel for the Applicant - Mr.Siva, Advocate

Counsel for the Respondents- Mr.V.Rajeshwar Rao, Addl.CGSC

CORAM:

THE HON'BLE MR.JUSTICE D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER (ADMN.)

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O R D E R

(per Hon'ble Mr.H.Rajendra Prasad, M(A))

Heard Mr.Siva for the applicant and Mr.V.

Rajeshwar Rao for the Respondents.

The Applicant is aggrieved by his posting to the Nagpur Regional Centre of All India Soil & Land Use Survey from the Office of All India Soil & Land Use Survey, Hyderabad, where he is posted at present. The applicant had become entitled to promotion from Driver Gr.II to the higher grade of Rs.4000-6000 as per a policy formulation of the department. This promotion has been duly granted to him in the same order as mentioned above. It is now

8/1/99

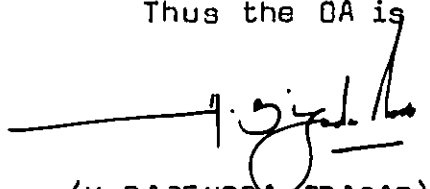
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.2.

stated that since the applicant had not accepted the promotion unconditionally within 45 days, as stipulated in Annexure-3, the promotion stands cancelled (Annexure-1). This is an entirely indefensible action on the part of the Respondents. If the applicant had indeed become entitled for such promotion entirely on seniority, a promotion once granted cannot be cancelled arbitrarily, although it is obvious that such promotion can take effect only when he assumes charge of the promotional post to which he is posted.

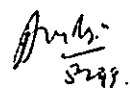
The OA is disposed of by suspending the operation of Annexure-1 in so far as the aspect of promotion is concerned. The applicant should report for duty at the Regional Office at Nagpur within 3 weeks from today. If this direction is not complied with by him, the Respondents are free to caution the official that such non-compliance is liable to be treated as declining of promotion and that they shall be free to cancel the promotion granted to him.

Thus the OA is disposed of. No costs.


(H. RAJENDRA PRASAD)
Member (Admn.)


(JUSTICE D.H. NASIR)
Vice-Chairman

Dated: 1st February, 1999.
(order dictated in the open court)


Sd/-

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