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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 03/2003

DATE OF ORDER: 9.1.2003

Giri Raj Singh aged about 41 years son of Shri Manohar Singh, resident of II/30 Somya Marg, Gandhi Marg, Jaipur. At present posted as Director and Special Secretary to Government, Social Welfare Department, Department of Rajasthan, Ambedkar Bhawan, B.D. Road, Jaipur.

....Applicant.

VERSUS

1. Union of India through the Secretary, Department of Personnel, Government of India, New Delhi.
2. State of Rajasthan through the Chief Secretary, Govt. of Rajasthan, Government Secretariat, Jaipur.

....Respondents.

Mr. Virendra Lodha, Counsel for the applicant.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

This OA has been filed for seeking the following reliefs:-

"It is therefore prayed that:

(i) by an appropriate order or direction, the Hon'ble Tribunal may kindly call for the entire record and after examining the same be pleased to declare the impugned action of the respondents in so far as it relates to non-consideration of candidature of the applicant in the matter of promotion to IAS Supertime Scale vis-a-vis persons junior to him have been promoted, null and void and be quashed and set aside.

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(ii) by further appropriate, order or direction, the respondents be directed to convene review Screening Committee in the matter of promotion to IAS Supertime Scale and consider the candidature of the applicant afresh by taking into consideration the judgement of the Hon'ble Supreme Court passed in the case Union of India vs. K.V. Jankiraman and thereupon to pass the promotion order in favour of the applicant in the matter of promotion from the date persons junior to him have been promoted in pursuance to the impugned dated 5.10.2002 with all consequential benefits thereto.

(iii) by further appropriate order or direction, the respondents be directed to issue appropriate promotion orders in favour of the applicant forthwith and thereupon to assign appropriate seniority to the applicant on account of his promotion to IAS Supertime Scale from the date persons junior to him have been promoted.

(iv) by further appropriate order or direction, if any order prejudicial/detrimental to the interest of the applicant is passed during pendency of the OA, the same may kindly be taken on record and be quashed and set aside.

(v) any other order or direction which may be considered just and proper in the facts and circumstances of the case be passed in favour of the applicant.

(vi) Cost of the OA may kindly be awarded to the applicant. ²²

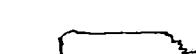
2. Heard the learned counsel for the applicant. He submits that junior to the applicant have been promoted to the Supertime

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Scale of IAS in preference to the applicant. He further submits that no adverse remarks were communicated to the applicant and no disciplinary proceeding or vigilance case is pending against him. He also submits that the applicant's performance has been very satisfactory and to the best of knowledge of the applicant, his reports are very good/outstanding and, therefore, he ought to have been promoted in the Supertime Scale of IAS. Further that the applicant had made representations to the Secretary, Department of Personnel, Govt. of India, New Delhi as well as to the Chief Secretary, State of Rajasthan but the ~~representations~~ have still not been decided and, therefore, this OA has been filed.

3. We have considered the submissions of the learned counsel for the applicant. Without going into the merits of the case, we feel that the representation of the applicant should be first decided. Accordingly this OA is disposed of at the admission stage itself with the direction to the applicant to file a fresh representation to the respondent No. 2 i.e. to Chief ~~Secretary~~, State of Rajasthan, within fifteen days from today and by Speed Post to avoid delay alongwith a copy of this order. In that event, the respondent No. 2 is directed to dispose of the representation of the applicant by a reasoned order after hearing the applicant in person, if the applicant makes such a request in his representation, within six weeks from the date of receipt of the representation, stating therein the rules/instructions relied upon if it is decided to reject. If the respondent No. 2 finds merit in his representation, the applicant shall be granted relief as permissible under law within the said period.


(M.L. CHAUHAN)
MEMBER (J)


(H.O. GUPTA)
MEMBER (A)