

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

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Date of order: 6-2-96

OA No. 50/96

Habib Khan

.. Applicant

VERSUS

Union of India and Ors.

.. Respondents

Mr. Shiv Kumar, Counsel for the applicant

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant Habib Khan, in this application under Section 19 of the Administrative Tribunals Act, 1985, has prayed for a direction to the respondents to consider his candidature for promotion to the post of Jeep Driver scale Rs. 1200-2040 against any existing vacancy with consequential benefits.

2. We have heard the counsel for the applicant and have perused the record.

3. The services of the applicant were regularised on the post of Khallasi but his services were utilised as a Jeep Driver vide order dated 5-8-80 (Ann.A1). The case of his promotion to the post of Jeep Driver was taken up with the Headquarter by the Deputy Chief Engineer (S&C), Kota vide letter dated 25-8-91 at Ann. A2 but he could not be considered for promotion merely on the ground that the seniority position of the applicant was not received from the concerned unit. The applicant made a representation in regard to his grievances on 7-10-94 and the same was forwarded to the CAO (C/CCG) by the XEN (C), Kota vide letter dated 25-10-94 stating therein that if the applicant's case for promotion to the scale Rs. 1200-2040 (RP) is considered, he can be accommodated on this unit against the existing

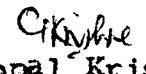
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vacancy. The learned counsel for the applicant wants that his representation be decided taking into account the communication at Annexure-A4 dated 25-10-94 as well as the communication at Annexure-A2 dated 25-8-91.

4. In these circumstances, we dispose of this application at the stage of admission with the direction to the respondents to decide his representation on merits, keeping in view the communication at Annexure-A2 dated 25-8-91 and at Annexure-A4 dated 25-10-94. If the applicant is aggrieved by the decision on his representation, he shall be at liberty to file a fresh OA. Let a copy of the OA and copies of Annexures thereto be sent to the official respondents alongwith a copy of this order. No order as to costs.

  
(O.P.Sharma)

Member (Adm)

  
(Gopal Krishna)  
Vice-Chairman