

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Wednesday, this the 23rd day of January, 2013

ORIGINAL APPLICATION No.44/2009

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Pramod Goyal,
s/o Shri Chand Goyal,
aged about 48 years,
r/o 434, Mahavir Nagar,
Tonk Road, Jaipur, presently
working as Administrative Officer,
Grade-III, Income Tax Department,
Jaipur (Rajasthan).

.. Applicant

(By Advocate : Shri Amit Mathur)

Versus

1. Union of India
through its Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. Chief Commissioner,
Income Tax, NCR Building,
Statue Circle,
Jaipur

.....Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

The applicant is aggrieved with the order dated 8.9.2008 by which after conducting Review DPC, the respondents have promoted him against the vacancies of different years. The applicant submits that he was eligible for promotion on those posts from earlier dates then to the dates from which the promotion has been granted to him.

2. The learned counsel appearing for the applicant submitted that applicant's case is wrongly compared with Shri Ghisa Lal as Shri Ghisa Lal belongs to ST category whereas the applicant being physically handicapped, his case could have been equated with Shri D.C.Saini, who belongs to physically handicapped quota.

3. As per the record, it is not disputed that Shri Ghisa Lal and Shri D.C.Saini are senior than the applicant. The learned counsel appearing for the applicant submitted that the applicant joined as UDC on 13.1.1988 and his claim is that he had been granted revised seniority w.e.f. 1983, therefore, he has completed five years of service on notional basis in the year 1988. The respondents have denied the above submissions and submitted



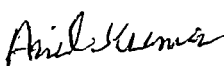
that the applicant joined the department only on 13.1.1988 and although eligibility is one of the criteria for promotion, the other eligibility criterion i.e. availability of vacancy reservations roster points for physically handicapped persons as per rules is also taken into account at the time of convening DPC.

4. We have heard the rival submissions of the respective parties and have perused the material available on record. We have also gone through the minutes of the review DPC which met on 5.9.2008 to consider cases of physically handicapped persons of the recruitment year 1993-94 and we find from the recommendations made by the review DPC that the applicant has been rightly promoted in the recruitment year 1993-94. Further, in additional affidavit filed by the respondents, the respondents have given reasons for not equating the case of the applicant with Shri D.C. Saini and, thus case of the applicant cannot be equated with Shri D.C.Saini, as claimed by the applicant. Shri Saini joined on the post of UDC on 8.7.1987 whereas the applicant joined on the post of UDC on 13.1.1988. Therefore, Shri Saini has completed the prescribed period of 5 years of regular service in the cadre of UDC on 8.7.1992 and therefore, he was promoted in the recruitment year 1992-1993. The applicant has not completed the prescribed period of 5

years in the cadre of UDC on 8.7.1992, therefore, he was not considered for promotion in the recruitment year 1993-94 on the basis of DOPT OM dated 19.7.1989. Therefore the respondents have rightly promoted the applicant to the post of Head Clerk in the recruitment year 1993-94.

5. It is also stated on behalf of the respondents that the case of Shri Sunil Verma vs. Union of India in D.B. Writ Petition No. 15446/2010 is pending before the Hon'ble Division Bench of the High Court and appropriate action can only be taken on this issue as and when the order is passed by the Hon'ble High Court and at this stage, the relief claimed by the applicant cannot be extended in favour of the applicant,

6. In view of aforesaid discussions, we find no illegality in action of the respondents and accordingly no interference, whatsoever, is required. Consequently, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.


(ANIL KUMAR)
Admv. Member


(JUSTICE K.S.RATHORE)
Judl. Member

R/