

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2910/2017

Friday, this the 25th day of August 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Umesh Chandra (Aged about 53 years)
s/o Shri Devi Prasad, Designation : AE (Civil)-P
Group B, r/o 5/69-H, 108A-I, Shyam Sadan
Chandmari, Barola By-Pass, Aligarh – 202001 (UP)
..Applicant
(By: Applicant in person)

Versus

1. Union of India through Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi
2. The Director General, All India Radio
Akashwani Bhawan, Parliament Street
New Delhi
3. The Engineer-in-Chief, All India Radio
Akashwani Bhawan, Parliament Street, New Delhi
4. Chief Engineer (C), CCW
All India Radio, Soochna Bhavan
Lodhi Road, CGO Complex, New Delhi – 110 003
..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

The applicant was recruited as Junior Engineer(Civil) at Aizwal, Mizoram. It is stated that Association of Junior Engineers who were serving as JEs could not be promoted for more than 25 years and finding no chance of promotion they made representations before the Chief

Engineer. On consideration of the matter by DG, AIR and in consultation with the administration branch and Co-ordinator(HR), *in-situ* promotion Committee met on 03.09.2012 and recommended *in situ* promotions limited to 50% of the sanctioned strength in the cadre JE (C/E) to *in-situ* AE(C/E) without any extra monetary benefits. Accordingly, vide order dated 11.01.2013 (Annexure A-4), as many as 243 Junior Engineers(Civil) and 71 Junior Engineers (Electrical) were promoted purely on personal/*in situ* basis. The relevant extract of the order is reproduced hereunder:-

"The competent authority is pleased to promote the following Junior Engineers(C/E) to the grade of Assistant Engineer(C)/Assistant Engineer(E) purely on personal/*in-situ* basis, without any financial benefits, from the date they assume charge and until further orders.

xxxx

xxxxx

xxxxx

2. The above promotion will be on the principles of *in-situ* promotion without any reference to the vacancies and it will purely be personal to the individual offices. The officers who are recommended for promotion on *in-situ* basis will maintain their inter-se seniority position in their respective grade from which they have been recommended for *in-situ* promotion.

3. The officers promoted on *in-situ* basis will be known by the designation Assistant Engineer (Personal/*In-Situ*) i.e. Assistant Engineer, Civil (P)/Assistant Engineer

Electrical (P). They will continue to perform the same duties/functions as they are doing at present.

4. The promotion on in-situ basis will not entitle the officers to any claim for regular appointment as Assistant Engineer or Seniority in the grade.

5. The upgraded posts will automatically revert to their original level as and when the incumbents of such posts vacate them on their promotion against actual/regular vacancies as Assistant engineer or on their retirement, resignation etc. whichever is earlier."

3. From para 5 above, we find that the applicant figures at Sl. No.229 of the list of Civil Engineers (JE). From the above list, it appears that the promotion of the applicant and other promotees is only temporary and the posts were to be reverted back to their original level automatically as and when the promotees vacate them on their promotion against actual/regular vacancy as Assistant Engineer or on their retirement, resignation etc., whichever is earlier. This promotion was made on consideration by the Screening Committee and without being examined by the Departmental Promotion Committee. From para 1 also it is apparent that the in-situ promotion was without any financial benefits. Now the respondents seems to have decided to make regular

promotions through the Departmental Promotion Committee and for this purpose a communication dated 26.12.2016 is addressed by the Chief Engineer(C) to the Superintending Surveyor of Works-I, Civil Construction Wing, All India Radio. Process for regular promotion has been initiated and the desired documents have been asked for. It is this communication which is challenged by the applicant in the present OA. The grievance of the applicant is that he and other promotees have already earned promotions as AE vide order dated 11.01.2013 and thus the fresh process for promotions on regular basis is totally unwarranted. The applicant also refers to the order dated 27.11.2015 wherein some clarification was made by the Deputy Director (Admn.) stating therein that in-situ promoted Assistant Engineers (C/E) in CCW shall enjoy the status of regular AEs and their cadre controlling authority would be the same as that of regular AEs. They were also given financial powers equivalent to 50% of the financial powers of regular AEs. Referring to the aforesaid order, it is stated that since they are enjoying the complete status of a regularly promoted AE, the fresh process for regular promotions to the post of AE is uncalled for.

4. We have heard the applicant who has appeared in person and perused the record. It is the applicant's own case in the OA that they were not having any promotional avenues for last 25 years. It was on the representation of the Associations that the device of in-situ promotion was created and consequently vide order dated 11.01.2013 personal/in-situ promotions were made to the post of AE (C/E). This promotion was without any financial benefits and with a clear stipulation at para 5 that the post would revert back as and when these in situ promotes are promoted on regular basis or on their retirement or resignation etc. The earlier in-situ promotions cannot be equated with a regular promotion and that was the clear intention when the applicant and other promotees were granted in-situ promotion. The department has now initiated the process for regular promotions. There is no infirmity in that. In any case, the impugned communication only indicates that a process has been initiated. We do not find that any of the rights of the applicant is infringed. No merit. OA is dismissed.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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