

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

OA No.210/575/2014

Dated this Friday the 14th day of June, 2019

Coram: Dr. Bhagwan Sahai, Member (A).
R.N. Singh, Member (J).

Joseph Sebastian,
59 years, Son of Sh. Iype Devasya,
employed as Joint Deputy Director,
in the office of Joint Deputy Director,
S.I.B. Office, Madhumati Bungalow,
Lane No.13, Prabhat Road,
Pune-411 004.
(R/o.: Lane 13, Madhumati Bungalow,
Prabhat Road, Pune-411 004).

...Applicant.

(By Advocate Ms. Sujata Krishnan).

Versus

1. The Union of India, through
The Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110 011.
2. The Director of Intelligence
Bureau, Intelligence Bureau,
Central Secretariat,
North Block, New Delhi-110 001.
3. The Joint Director,
S.I.B. (MHA) C-23,
'E' Block, Bandra Kurla
Complex, Bombay-400 051.
4. The Secretary,
Union Public Service Commission,
Dholpur House,
Shahajahan Road,
New Delhi-110 069.

... Respondents.

(By Advocate Shri N. K. Rajpurohit).

O R D E R (O R A L)Per : Dr. Bhagwan Sahai, Member (A)**Present.**

1. Ms. Sujata Krishnan, learned counsel for the applicant.
2. Sh. N. K. Rajpurohit, learned counsel for the respondents.
3. Heard the learned counsels for the parties.
4. In the present OA, the applicant has challenged the memorandum dated 08.08.2014 of the respondents whereby the applicant's representation for promotion in the post of Additional Deputy Director, Executive (A.D.D.) on Adhoc/in Situ has been rejected. The applicant was promoted to the post of Joint Deputy Director (Executive) under the respondents w.e.f. 13.12.2010 after obtaining relaxation in residency period. The applicant has made representation to the respondents for grant of promotion to the post of Additional Deputy Director (Executive) on temporary basis during the year 2014-15. Vide impugned memorandum the respondents have informed the applicant that as per relevant recruitment rules one has to fulfil the eligibility criteria as prescribed in Recruitment Rules for regular as well as Ad-hoc promotion.

5. Though the applicant has rendered three years and eighteen days of service in the Feeder Post of Joint Deputy Director (Executive) as on 01.04.2014 but has not completed requisite five years residency period for being considered for promotion to the rank of ADD (Executive) for the vacancy year 2014-2015, a proposal was made before the Competent Authority i.e. Ministry of Home Affairs and DoPT for seeking relaxation. However, after considering the relevant facts and rules the Competent Authority has not granted the relaxation and therefore the request of the applicant for being promoted on Ad-hoc/Situe basis in the rank of ADD (Executive) could not be acceded to by the respondents.

6. The respondents have further informed by the impugned memorandum that in view of the DoPT OM dated 19.05.2019 promotion in Situ and MACP Scheme shall not run concurrently and MACP Scheme is already in operation in the department of Intelligence Bureau in which the applicant was working.

7. The learned counsel for the applicant has not disputed the fact that the applicant has not completed the required residency period of five years while working in the post of JDD (Executive)

which is required as per the rules for being considered for promotion to the post of ADD (Executive).

8. In view of the aforesaid, we do not find any illegality in the impugned memorandum dated 08.08.2014 and thus the OA is devoid of merits and the same deserves to be dismissed.

9. In view of the above, the OA is dismissed.
No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.

JD
28/6/19