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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 262/2003

New Delhi this the 28th day of August, 2003

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Kuldip Singh, Member (J)

Ishwar Dass,
Sr. Administrative Officer
Central Production Centre,
Doordarshan, Khel Gaon,
New Delhi-110 049.

.. Applicant

(Applicant in Person)

Versus

1. The Secretary,
Ministry of I&B,
Shastri Bhawan,
New Delhi.
2. Chief Executive Officer,
Prasar Bharati,
Doordarshan Directorate,
Coopernicus Marg,
New Delhi-110 001.
3. The Director General,
All India Radio,
Akashvanil Bhawan,
New Delhi.

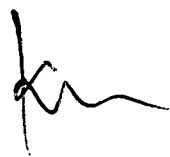
... Respondents

(By Advocate: Sh. R.N.Singh proxy for
Sh. R.V.Sinha)

O R D E R


Shri Kuldip Singh, Member (J)

Applicant is aggrieved of the fact that the Director General All India Radio has failed to hold the Departmental Promotion Committee meeting for promotion to the post of Inspector of Accounts in spite of the fact that vacancies were available. It is further submitted that the applicant is a covered candidate and would have got the average pay benefit in pension had he been promoted 10 months prior to his retirement which was due on 31.5.2003.



2. The applicant submits that he was working in a post which is feeder cadre post for the post of Inspector of Accounts and despite the fact that vacancies were available w.e.f. February 2002 but failure on the part of the respondents to hold DPC had deprived him promotion and has also caused him irreparable loss and other retirement benefits. Applicant also alleges that respondents had given little commitments to the association of the applicant, when the association had made a representation for promotions but still the same has not been decided till the date of filing of the OA. However, while OA was pending the applicant was granted promotion during the pendency of the OA that too with much later date.

3. Respondents who are contesting the OA pleaded that the total sanctioned strength of Inspector of Accounts in their organisation is 7, out of which 4 posts of Inspector of Accounts have become available and promotion could be given on ad hoc basis due to promotion of regular incumbents to the post of Deputy Director of Administration was made on ad hoc basis. So the DPC was convened on 13.12.2002 for ad hoc promotion for the post of Inspector of Accounts. One more vacancy was anticipated w.e.f. 1.1.2003 as the same had occurred on acceptance of request of voluntary retirement of one of the incumbents. But when the DPC was held, applicant was on 6th position in the panel so he could not be promoted.



(12)

4. It is further stated that the applicant got his present seniority position only after implementing the order dated 27.7.2001 of the Tribunal passed in OA-2124/2001 otherwise the applicant was working only as a Head Clerk to the Administrative Officer. So on the basis of that a revised seniority list was issued but the same was challenged by Kumari D.Uma, Sr. Administrative Officer of Chennai before the Hon'ble Madras bench of CAT and when the OA of Kumari D.Uma was disposed of the Hon'ble Madras Bench has ordered that no promotion shall be made till her representation was decided and the matter was finally settled on 6.9.2002. Similarly, one Sh. A.K.Muku who was debarred for promotion for one year has also challenged his debarment before J&K High Court which has stayed the implementation of the said order of debarment. Since the case did not come up for hearing and the matter is sub-judice, the respondents were left with no option other than completing the period of operation of the said order of department which expired on 16.10.2002.

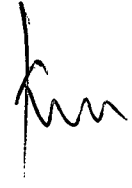
5. After the said legal impediment was over, the respondents acted and convened the DPC on 13.12.2002 for promotion, thus there was no delay on the part of the respondents. Rather respondents acted promptly in accordance with procedure and ordered his promotion in his turn.

6. We have heard the applicant as well as learned counsel for the respondents. The fact that the applicant got seniority only after the order was passed by this Tribunal giving the benefit of Jabalpur Bench that the applicant had become eligible for being considered for the

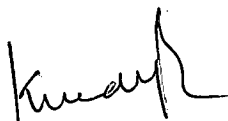


post of Inspector of Accounts. Had that judgment not been passed in favour of the applicant, applicant would have continued to work in feeder cadre to the post of Inspector of Accounts and even after his seniority position having been improved applicant was still at No.6 and only 5 vacancies had become available, so applicant could not be promoted.

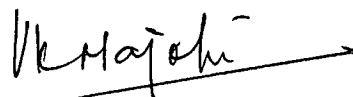
7. It is also pointed out that fresh DPC could not be held as there was stay from Madras Bench of the Tribunal as well as stay over the debarment period of Sh. Muku granted by Hon'ble J&K High Court. Thus, we find that it is only because of the legal impediments., the respondents could not hold any DPC earlier. Moreover, it is an admitted case of the applicant himself that no junior to the applicant has been promoted earlier than him. So we donot find any reason to allow the OA of the applicant to antedate his promotion. The promotions are not granted for the purpose of facilitating a person to have better calculations for the purpose of retiral benefits rather promotions are always granted in accordance with the rules and instructions on the subject. Since in this case as there were stay orders issued by Madras Bench of the CAT and petition was also pending before the Hon'ble J&K High Court regarding debarment of Sh. Muku for a period of one year as he has refused promotion earlier, so the respondents could not have acted against the orders passed by the Hon'ble Courts.



8. As such, we do not find any delay on the part of the respondents and the date of promotion of the applicant cannot be antedated. OA has no merits at all and is accordingly dismissed.



(KULDIP SINGH)
Member (J)



(V.K. MAJOTRA)
Member (A)

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