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Central Administrative Tribunal
Principal Bench

O.A. No. 386 of 2003

New Delhi, this the 20th February, 2003

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. A.P. NAGRATH, MEMBER (A)

R.D. Sharma,
S/o Late Shri Sanwalia Ram,
R/o AG-1/57A Vikas Puri,
New Delhi-18 ...Applicant.
(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Council of Scientific & Industrial
Research Rafi Marg,
New Delhi-1
through
The Director-General.Respondent.

ORDER (Oral)

Justice V.S. Aggarwal

The applicant Shri R.D. Sharma being promoted as Under Secretary/Administrative Officer vide order dated 25.6.2002, was to join at Dhanbad. He submitted representation dated 19.7.2002 to the Director General, Council of Scientific & Industrial Research, New Delhi. In the penultimate paragraph he stated that:

"In case it is not possible for your goodself to accede to my humble request for posting in Delhi as US/AO, I shall be left with no other option but to forgo my hard earned promotion, though regretfully, with a very heavy heart."

2. On 16.8.2002, keeping in view the fact that the offer of promotion was not accepted by the applicant and others and they had not joined at their respective places of posting, the competent authority decided to

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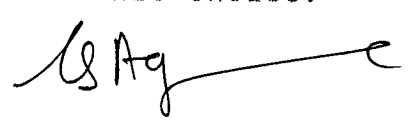
cancel the offer of promotion. It was stated that they shall not be considered for promotion for one year.

3. The applicant had preferred O.A. 3098/2002 which was disposed of on 2.12.2002 by this Tribunal. A direction was issued to respondent to treat the aforesaid OA as an additional representation submitted by applicant and to pass a speaking order on the aforesaid representation. The respondent had on 4.2.2003 disposed of the representation and rejected the same.

4. By virtue of the present application, the applicant seeks quashing of the order dated 16.8.2002 and also of 4.2.2003, referred to above, with a relief that he should not be transferred to Dhanbad and should be posted at Delhi.

5. The learned counsel for the applicant contended that the applicant being at Serial No.1, deserves to be posted in Delhi like his juniors who have been posted at Delhi. The applicant was posted at Dhanbad. The order so passed, smacks of favouritism shown to others. The applicant has not refused the offer of promotion as Under Secretary/Administrative Officer.

6. On careful consideration, we are of the opinion that this contention so much thought of, has no merit. No Government servant has a right to claim his posting at a place of his choice.

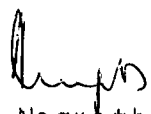


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7. The applicant vide order dated 25.6.2002 had been promoted and the place of his posting was shown as Dhanbad. He did not care to join at Dhanbad. The authority was well within his right to cancel the promotion. The representation of the applicant has been considered and the reasons have been given in this administrative action. We find that there is no ground to state that there is favouritism shown in the posting orders.

8. Resultantly, we find no merit in the present application. It is accordingly dismissed *in limine*


(A.P. Nagrath)
Member (A)

/ug/


(V.S. Aggarwal)
Chairman