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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1281/2003

New Delhi, this the 22 day of April, 2001

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member(A)

O.P. Aggarwal
3843-A/8, Kanheiya Nagar (Tri Nagar)
Delhi-110035

(Shri D.R. Gupta, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Defence
South Block, New Delhi
 2. Chief of the Naval Staff
Naval Headquarters
Ministry of Defence
South Block, New Delhi
- .. Respondents

(Mrs. Shail Goel, Advocate)

ORDER

Shri S.K. Naik

By virtue of the present application, the applicant has sought as many as 11 reliefs. He had earlier filed OA 122/93 seeking similar reliefs and the same was dismissed by this Tribunal vide order dated 13.5.99 as time-barred. He preferred CWP 1956/2000 before the Delhi High Court which set aside the Tribunal's order and remitted the case back to this Tribunal, giving rise to the present OA.

2. In a nutshell, the main reliefs sought for by the applicant are to the effect that he should have been considered and promoted to the post of Senior Translation Officer(STO) w.e.f. 28.1.85, as he had completed more than 11 years service in the grade of Translation Officer(TO) and also to the post of Editor-Translator by

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the DPC held in 1991 or from 30.6.92/21.10.92/16.2.93 when the incumbents of the post retired/expired/transferred.

3. According to the respondents, revised R/Rules for the post of STO were promulgated on 23.2.1984 and proposal for holding DPC was initiated on 29.3.84. DPC was held on 12.2.85 and approval of the competent authority for the DPC minutes was obtained on 30.4.85 and the promotion order was issued on 25.5.85. Since in the panel recommended by the DPC it was clarified that promotion of applicant to the post of STO was subject to non-availability of Shri S.C.Dhamija, who was also in the panel and was on deputation to SAIL, applicant was promoted on 25.10.85 immediately after confirmation about the non-availability of Shri Dhamija for promotion.

4. In so far as promotion to the post of Editor-Translator is concerned, respondents would submit that since the applicant was working as TO on the date of holding of DPC for the said post on 27.1.85 and had not worked as STO even for a single day, there was no question of his promotion to the post even under the "failing which" clause which states that "ST with 5 years regular service in the grade failing which ST with 8 years combined regular service in the grade of STO and TO". In the DPC held on 28.1.91 for promotion to the post of Editor-Translator, one vacancy of the year 1987 (carried forward from 1985) and 3 of 1990 were considered

3 details

and senior-most eligible STOs were empanelled for promotion. The vacancy arising on account of the retirement of Shri S.R. Das fell under DR quota and, therefore, there was no question of promoting the applicant against that vacancy. In the DPC held on 11.11.93 against the vacancy due to expiry of Shri A.K.Anand on 21.10.92, one Shri M.N.Mathur who was senior to the applicant was promoted. In view of this position, the applicant is not entitled for any relief and the OA be dismissed, respondents contend.

5. We have heard the counsel for the parties at length and considered the material available on record.


6. As already mentioned above, as the variety of reliefs sought for by the applicant is multiple in nature with no consequence to each other, this OA is liable to be rejected on this ground alone. In so far as applicant's claim for promoting him as STO from 28.1.85 is concerned, the same is untenable as the DPC in its recommendation had clearly mentioned that the promotion of the applicant to the post of STO was subject to non-availability of Shri S.C.Dhamija, who was also in the panel and was on deputation to SAIL. Applicant was promoted on 25.10.85 immediately after confirmation about the non-availability of Shri Dhamija for promotion. Therefore, the applicant is estopped from raising the issue of promotion from an earlier date i.e. from 28.1.85 after a long gap of more than 18 years, particularly when no


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irregularity has been committed by the respondents as alleged by the applicant.

7. In so far applicant's claim for promotion to the post of Editor-Translator with effect from 1991 or sometime in 1992 is concerned, as per the notified R/Rules for the said post under 75% promotion quota, one has to put in 5 years regular service as STO or 8 years combined service as STO/TO to be considered eligible for promotion. Since the applicant was promoted as STO w.e.f. 25.10.85 and had not fulfilled this eligibility criteria at the time of DPC held in 1991, he did not come in the zone of consideration. Again in the DPC held on 11.11.93, a person senior to the applicant was considered and recommended for promotion, which action cannot be faulted.

8. In view of what has been discussed above, we find no merit in the present OA and the same is accordingly dismissed. No costs.


(S.K. Naik)
Member(A)


(V.S. Aggarwal)
Chairman

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