

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A.NO.1824/2003

Thursday, this the 24th day of July, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri B.K.Hembrom, aged 34 years
s/o Late Shri Emanuel Hembrom
Working as Assistant, Ministry of Mines
Shastri Bhawan, New Delhi
(Group B, Non-gazetted)

(By Advocate:- Shri S.P.Chadha)

..Applicant

Versus

Union of India through Secretary

1. Ministry of Mines
Shastri Bhawan, New Delhi

2. Mr. Madan Lal
Section Officer
Administration Section
Ministry of Mines
'D' Wing, Shastri Bhawan
New Delhi

3. Mr. K.K. Acharya
Section Officer
c/o Establishment Section
Ministry of Mines, 'D' Wing,
Shastri Bhawan, New Delhi

..Respondents

O R D E R (ORAL)

Shri Govindan S.Tampi:-

Heard Shri S.P.Chadha, learned counsel for applicant.

2. The relief sought for by the applicant is for antedating his promotion as Section Officer (ad hoc) from 1.7.2003 when respondent No.3 has been promoted to that grade.

3. Shri S.P. Chadha, learned counsel presses the case of the applicant. The applicant, a Scheduled Tribe

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(2)

candidate working as an Assistant in the Central Secretariat Services in the Ministry of Mines, states that he has been ignored for ad hoc promotion to the grade of Section Officer by the respondents, who had not followed the reservation policy adopted and notified by the Government. He states that when the vacancies meant for Scheduled Caste category are present, it was incumbent upon the respondents to consider the candidates of the category by even relaxing the conditions governing such selection. He also refers to DP&AR OM No.23036/2/77-Estt.(D) dated 7.10.1977 which directs that "only those officers who fulfil the eligibility conditions prescribed in the R/Rules should be considered for ad hoc appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances." According to the learned counsel, the respondents should have invoked the above provision and consider his case for promotion. He further points that having become an Assistant w.e.f. 31.1.1996, he is eligible for promotion even without any relaxation. He, therefore, requests that the respondents may be directed to consider his case for promotion in accordance with rules. He also states that he had filed as many as five representations for redressal of his grievance but to no avail.

4. We have carefully considered the matter. We find that the applicant, a Scheduled Tribe candidate, who is working as an Assistant in the Ministry of Mines and who has completed seven years of eligible service for consideration for promotion to the post of Section

Officer, has not been so promoted as yet and a number of his representations filed in this regard are lying unanswered.

5. In the above scenario, we feel that it would be in the fitness of things to dispose of the OA at this stage itself, without issuing any notice to the respondents, with directions that the representations filed by the applicant may be considered and disposed of within a period of three months from the date of receipt of a certified copy of the present order. We order accordingly.

(Govindan S. Tampi)
Member (A)
/s/

(V.S. Aggarwal)
Chairman