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Central Administrative Tribunal, Principal Bench

O.A.No.2480/2003

New Delhi, this the 13th day of October, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Sarweshwar Jha, Member(A)

Ishwar Dass
A-306, Navin Apptt.,
Plot No.13, Sector No.5,
Dwarka, New Delhi-45

....Applicant

(Appeared in person)

versus

Union of India through

1. The Secretary,
Ministry of I&B, Shastri Bhawan,
New Delhi-1
2. The Dy. Director General (Admn.)
All India Radio, Akashvani Bhawan,
New Delhi-1
3. The Chief Executive Officer,
Prasar Bharti (B.C.I.), PTI Building,
Sansad Marg, New Delhi

Respondents

Order(Oral)

By Justice V.S. Aggarwal, Chairman

The applicant, by virtue of the present application, seeks a direction that he may be promoted as Inspector of Accounts from 1.2.2003 by ante-dating the promotion date from 22.4.2003 in modification of the order of 25.4.2003.

2. The relevant facts are that the applicant had earlier filed O.A.262/2003. The grievance at that time of the applicant was 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 despite availability of vacancies. This Tribunal had dismissed the petition on 26.8.2003.

3. Applicant who appears in person, contends that while the promotion order was issued on 29.1.2003, he was asked to join at Shillong but he was not relieved and, therefore, he did not join there. Subsequently on 25.4.2003, the order was modified and post of Inspector of Accounts was

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shifted back to RTI(P).

4. We have carefully gone through the record. The promotion order of the applicant reads:

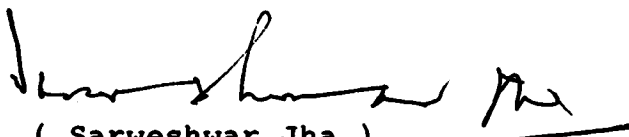
"The competent authority is pleased to promote Shri Ishwar Dass, Administrative Officer, CPC, Doordarshan, New Delhi to the post of Inspector of Accounts in the pay scale of Rs.7450-11,500/- on ad-hoc basis with effect from the date he assumes the charge of the post until further orders.


2. On his promotion as Inspector of Accounts, Shri Ishwar Dass is posted in RTI(P), AIR, Shillong in the vacancy anticipated to arise w.e.f. 31.01.2003 on the retirement on superannuation of Shri G.C. Batabyal, AO, PPC, Doordarshan, Guwahati, who has since been relieved from his present post to join as Inspector of Accounts in RTI(P), AIR, Shillong.

3. The appointment of Shri Ishwar Dass in the grade of Inspector of Accounts is purely on ad-hoc basis and it will not confer on him any right for a regular promotion and his ad-hoc service as Inspector of Accounts will not count for seniority in the grade of Inspector of Accounts."

5. The applicant admitted that though he was to join at Shillong but in fact he did not join there. A person would only be deemed to be promoted or can take benefit of any promotion order when he joins the post to which he is promoted. When the applicant did not join at Shillong, he cannot be promoted with effect from 1.2.2003.

6. Resultantly, the present application must be held to be without merit. It fails and is dismissed in limine.


(Sarweshwar Jha)
Member(A)


(V.S. Aggarwal)
Chairman.

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