
(2018) 10 CAT CK 0077

In the Central Administrative Tribunal

Case No : Original Application No. 2253 Of 2013

Randhir Singh Dabas

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 11-10-2018

Acts Referred:

Citation : (2018) 10 CAT CK 0077

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : S. C. Sagar, Rajesh Katyal

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, Chairman

The applicant was selected by the UPSC to the post of Civilian Assistant Security Officer (for short, CASO) in the establishment of the Adjutant General, Integrated Headquarter, Ministry of Defence, New Delhi, in the year 2000, and he was put under probation. However, his probation was not cleared till 2011, because of the pendency of a criminal case instituted at the instance of his wife. He was acquitted on 18.01.2011, and this was followed by not only the declaration of probation in the post of ACSO, but also promotion to the next higher post, i.e., Civilian Security Officer (for short, CSO).

2. The applicant filed OA No.1183/2013 complaining that he ought to have been promoted to the post of CSO with effect from an earlier date. The OA was disposed of with a direction to the respondents to pass speaking order on the representation made by the applicant. In compliance with the same, an order was passed on 13.06.2013 informing the applicant as to how his request for promotion with effect from an earlier date cannot be acceded to. The same is challenged in this OA.

3. The applicant contends that once his probation has been declared in the year

2011, after acquittal from the criminal case, he ought to have been promoted w.e.f. 2006, from which date, his junior, by name, K. S. Lohan, was promoted.

4. The respondents filed a detailed counter affidavit. According to them, the probation of the applicant had to be deferred on account of the pendency of the criminal case and though it was declared in the year 2011, immediately an order of promotion was given to him to the post of CSO, and in that process, he did not suffer any infirmity at all. It was specifically stated that no junior to the applicant has been promoted to the post of CSO from any earlier date.

5. We heard Shri S.C. Sagar, learned counsel for the applicant and Shri Rajesh Katyal, learned counsel for the respondents.

6. The impugned order is detailed in its purport. Each and every aspect pointed out by the applicant is dealt with, and promotions with reference to the relevant years were mentioned. It becomes clear that till the year 2006, no vacancy in the post of CSO was available, except some carry forwarded vacancies for SC/STs, and even when the DPC was convened in the year 2008, it is only the seniors to the applicant, but not any juniors to him, were considered. Though the applicant filed an additional affidavit naming certain persons as juniors to him in the post of CSO, it emerges that he treated them as juniors just on the basis of the date of their joining. It is not referable to any seniority list. On the other hand, the respondents have categorically stated that K. S. Lohan is senior to the applicant. That officer is not impleaded by the applicant in this OA.

7. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.