No.A-13012\7\87-Admn.
Government of India
RESEARCH REFERENCE AND TRAINING DIVISION.
(Ministry of Information and Broadcasting)

MEMO

Shri Ombir Singh, Steno Gr.II, with reference to his application dated 14-5-98 For his promotion from a retrospective date is hereby informed that Ministry in consultation with DP&T has expressed inability to agree to the proposal of retrospective promotion.

(T. BHATTACHARYYA)
ADMINISTRATIVE OFFICER

Shri Ombir Singh,
Steno Gr.II,
RR&TD
Reference preceding notes.

In terms of relevant instructions of DOPT, normally promotions are effective from a prospective date. The proposal in hand, if agreed, would amount to promoting an officer before his suitability for promotion could be assessed. Viewed as such, his promotion as Stenographer Grade-II w.e.f. 15.7.97 is in order.

2. It is pertinent to add that the litigation in the instant case could have been avoided if the procedure prescribed for filling up of vacancies reserved for SC,ST/procedure of de-reservation had been properly followed by the Ministry of I&B. It may please be ensured that such cases do not recur.

(R.K. Pandey)
Desk Officer
25.6.1999

Director(E-1).

28/6/99
To,

The Director,
RR&TD,
Shastri Bhawan,
New Delhi.

Sub: Request for back-dated promotion and consequential benefits -
     Representation reg.

Madam,

I am working as Stenographer Grade II in RR&TD, New Delhi. I was
promoted to this post w.e.f. 15-7-97 vide Division Order No-A-
36016/3/92-93-Admn dt 22-7-97. I want to bring the following facts
for your kind consideration:-

i) The post of Stenographer Gr. II fell vacant w.e.f. 31-5-92.

ii) The post was reserved for an SC candidate as per the
reservation roster.

iii) I was the only SC candidate available at the time the post
fell vacant.

iv) The D.P.C met on 17-7-92 for filling up the post of Steno.
Grade II by promotion recommended a General candidate for the post.
As the post was reserved for SC candidate the matter was referred to
the Min of I&B for deserialization of the post.

v) The Ministry directed the Division to hold the DPC again
after a few days when the SC candidate becomes eligible and his
condituation may be considered.

vi) The Division did not hold any DPC till Dec 92 when the
General Candidate (Sh Mathew Steno Grade III) filed a petition (No.OA
3183/92 dt. 8-12-92) in the Hon'ble CAT. The Hon'ble Tribunal granted
'Stay' in this case.

vii) The Hon'ble Tribunal vacated the stay and delivered its
judgement on 2.6.97 and dismissing the application of Sh.Mathew.

viii) The Division held the DPC on 15-7-97 and promoted me to the
post of Steno Gr II w.e.f. 15-7-97.
Since, I was eligible for the post w.e.f. 3-8-92 and the post was lying vacant on that date. I should have been promoted to that post w.e.f. 3.8.92. The Division wilfully kept the case pending even after the direction from the Ministry till Dec 92 when Sh. Mathew George filed and application in the Central Administrative Tribunal. The CAT did no see any merit in the case and dismissed the application.

I view of the position explained above it may be noticed that an SC candidate has been deprived of his legitimate right for 5 years. It is requested kindly to look into the matter and issue necessary orders of my promotion w.e.f 3.8.92 i.e. the date I became eligible for the post as the post was lying vacant on that date, and remained vacant continuously till I joined the same on 15.7.97.

with kind regard

Yours faithfully,

(OMBIR SINGH)
Steno Gr.II

Dated: 19-5-1998