

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BENGALURU**

**ORIGINAL APPLICATION NO.170/00085/2019**

**DATED THIS THE 09<sup>TH</sup> DAY OF JANUARY, 2020**

**HON'BLE DR.K.B.SURESH  
HON'BLE SHRI C.V.SANKAR**

**...MEMBER(J)  
...MEMBER(A)**

Dr. G. Anwar,  
S/o H. Abdul Azeez,  
Aged about 69 years,  
Retired as Reader,  
O/o The Regional Institute of Education,  
Mysore,  
Residing at Door No.31  
East of Kamakshi Hospital  
Kuvempunagar,  
Mysore-23.

**. ...Applicant.**

(By Advocate Shri Izzhar Ahmed)

V/s.

1.The Director,  
National Council for Educational  
Research & Training,  
Sri Arvindo Marg,  
New Delhi-16.

2.The Under Secretary,  
National Council for Educational  
Research & Training,  
Sri Arvindo Marg,  
New Delhi-16.

3.The Union of India  
Through the Secretary,  
Ministry of Human Resource Department,  
Shastri Bhavan,  
New Delhi-01.

**...Respondents**

(By Shri M.V. Rao, Standing Counsel for Respondents)

**ORDER (ORAL)****HON'BLE DR.K.B.SURESH      ...MEMBER(J)**

Shri M.V. Rao, learned counsel for the respondents submits that at the time when the DPC met, the applicant had already retired. But then, benefits of promotion should be with him, as at least in a notional way they should be getting the benefits. But if the promotional vacancy is to be determined on the previous date, that also will be taken into account, while the authorities pass appropriate orders. With this clarification, the OA is allowed to the limited extent, but with liberty. It may be complied within the next 2 months. No costs.

(C.V.SANKAR)  
MEMBER(A)

(DR.K.B.SURESH)  
MEMBER(J)

vmr

**Annexures referred to by the Applicant in OA No.170/0085/2019**

- Annexure A1 : Copy of letter dated 05.08.2004.  
Annexure A2 : Copy of letter dated 10.01.2006.  
Annexure A3 : Copy of letter of award dated 22.09.2006.  
Annexure A4 : Copy of letter dated 26.12.2008.  
Annexure A5 : Copy of order dated 08.02.2013 in OA.135/10.  
Annexure A6 : Copy of representation dated 16.02.2013.  
Annexure A7 : Copy of letter dated 17.10.2013.  
Annexure A8 : Copy of revision of pension dated 09.06.2014.  
Annexure A9 : Copy of representation dated 30.10.2014.  
Annexure A10 : Copy of letter dated 21.11.2014.  
Annexure A11 : Copy of representation dated 05.12.2014.  
Annexure A12 : Copy of promotion order dated 07.08.2012.  
Annexure A13 : Copy of letter dated 30.01.2015.  
Annexure A14 : Copy of representation dated 11.03.2015.  
Annexure A15 : Copy of order dated 29.08.2018 in OA.449/2016.  
Annexure A16 : Copy of impugned order dated 18.12.2018.  
Annexure A17 : Copy of reply statement in OA.449/2016.  
Annexure A18 : Copy of UGC regulation dated 04.04.2000.  
Annexure A19 : Copy of Regulation dated 30.06.2010.  
Annexure A20 : Copy of DoPT's OM dated 12.10.1998.  
Annexure A21 : Copy of order dated 08.04.2013 in WP.9264/2011.  
Annexure A22 : Copy of CA-1123/2015 dated 01.07.2015.  
Annexure A23 : Copy of order dated 22.04.2010 in OA.1409/2009.  
Annexure A24 : Copy of order dated 14.10.2011 in OA.2979/2010.  
Annexure A25 : Copy of order dated 20.02.2014 in OA.1877/2012.

**Annexures referred to by the Applicant in the Rejoinder**

- Annexure A26 : Copy of FR-22(1)(a) referred by R-2 vide letter dated 17.10.2013.

\*\*\*\*\*

