

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00012/2020

Thursday, this the 30th day of January, 2020.

CORAM

Hon'ble Mr.Ashish Kalia, Judicial Member

Dr.K.R.Sooryanarayana, aged 59,
S/o Ramaya Bhat K.,
Superintending Hydro-geologist (Scientist D)
Presently Head of Office, Central Ground Water Board
Kerala Region, Kedaram, Kesavadasapuram,
Thiruvananthapuram-695 004.
Residing at Vilayil Veedu, NLRA 230, Neerazhi Lane
Ulloor, M.C.P.O., Thiruvananthapuram-695 011.

Applicant

(Advocate: Mr. Vishnu S.Chempazhanthiyil)

versus

1. Union of India represented by its Secretary,
Ministry of Jal Shakthi,
Department of Water Resource, RD & GR,
Shram Shakthi Bhavan, Rafi Marg,
New Delhi-110 011.
2. Central Ground Water Board,
represented by its Chairman,
Bhujal Bhavan, N.H.IV, Faridabad-121 001.
3. The Chairman,
Central Ground Water Board,
Bhujal Bhavan, N.H.IV, Faridabad-121 001.
4. The Director (Administration)
Central Ground Water Board, Bhujal Bhavan
N.H.IV, Faridabad-121 001.
5. Union Public Service Commission represented
by its Secretary, Dholpur House,
Shajahan Road, New Delhi-110 069.

Respondents

(Advocate: Sri Anil Prasad for R1 to 4 and Sri Thomas Mathew Nellimoottil,
Sr.PCGC for R5)

The OA having been heard on 30th January, 2020, this Tribunal delivered the following order on the same day:

ORDER (oral)

The OA is listed today as the applicant is retiring tomorrow (31.1.2020). It is stated that the applicant is due for promotion to the post of Regional Director. He prays that he should be considered as and when DPC is convened. It is informed that the same matter was pending before Jaipur Bench of this Tribunal and it was directed by the Jaipur Bench to revise the seniority list and thereafter convene the DPC. It is also informed that the process has already been completed for revising the seniority list and in fact it has been revised and the applicant herein is shown at Sl.No.3 for getting promotion.

2. Learned counsel for the applicant submits at the Bar that the applicant may be considered as and when the next DPC is convened. This is a legitimate expectation of an employee. In fact, the Hon'ble Supreme Court has held that promotion is also a type of fundamental right.

3. In view of this, I hereby dispose of the OA directing the respondents to convene DPC as early as possible and consider the case of the applicant in accordance with the rules on the subject.

4. MA No.87/2020 is filed by the applicant praying for a direction to pass an interim order to the effect that notwithstanding the retirement of the applicant on 31.1.2020, the same would not be a bar in considering the applicant for promotion to the post of Regional Director as and when the DPC is convened.

5. In view of the direction issued in the OA, the MA also stands disposed of.

(Ashish Kalia)
Judicial Member

aa.

Annexures filed by the applicant:

- Annexure A1: Copy of Central Ground Water Board Regional Director (Recruitment Amendment) Rules, 2005 (relevant portion).
- Annexure A2: Copy of vacancy position (relevant portion) as published in the web site of CGWB.
- Annexure A3: Copy of relevant portion of the combined seniority list as on 1.1.2019 of Group A Scientific Officers in CGWB.
- Annexure A4: Copy of O.M. No.22011/4/2013-Estt(D) dated 23.3.2018 issued by Ministry of Personnel, Public Grievances and Pensions.
- Annexure A5: Copy of communication No.10-19/2017-Sci.Estt.2890 dated 21.5.2018 issued by the Administrative Officer, Ministry of Water Resources.
- Annexure A6: Copy of representation dated 8.7.2019 to the 3rd respondent.
- Annexure A7: Copy of representation dated 1.8.2019 to the 1st respondent.
- Annexure A8: Copy of office order No.377/2019 dated 3.9.2019 issued by the 2nd respondent.
- Annexure A9: Copy of communication No.3-672/1983-Sci.Estt.7062 dated 3.9.2019 issued by the 2nd respondent.
- Annexure A10: Copy of representation dated 26.11.2019 to the Grievance Officer of CGWB.
- Annexure A11: Copy of representation dated 19.12.2019 to the 1st respondent.
- Annexure A12: Copy of communication No.CGWB/KR/Estt.P-198/2018-1497 dated 20.12.2019 of the Administrative Officer, CGWB, Kerala Region.
- Annexure A13: Copy of O.M. No.22011/1/2014-Estt(D) dated 14.11.2014 issued by Ministry of Personnel, Public Grievances & Pensions.
- Annexure A14: Copy of the information issued under RTI Act by the UPSC.