

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.447/2017

Date of decision: 11.02.2020

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)

Narendra Kumar Sharma S/o Shri Gopal Lal Sharma, aged about 37 years. R/O Plot No.100 Pratapnagar, Govind pura, Kalwar Road Jaipur. Presently working as J.En. (Civil) at ESIC, Modal Hospital, Jaipur Group-C.

...Applicant

(By Advocate: Shri Dharam Chand)

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, Govt. Of India, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. The Director General, Department of ESIC (Employees State Insurance Corporation), Panchdeep Bhawan, Bahadur Shah Zafar Marg, New Delhi-02.
3. The Deputy Director, (Establishment-I), Department of ESIC, Panchdeep Bhawan, Bahadur Shah Zafar Marg, New Delhi-02.

...Respondents

(By Advocate: Sh. T.P.Sharma for R-2 and R-3 None for R-1)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

At the very outset, Shri Dharam Chand Jain, learned counsel for the applicant stated that the applicant's case for promotion was kept pending because of the non-clearance granted by the Vigilance Department as a criminal case registered against him vide FIR No.RC DAI-2017-A/0012 was pending before the CBI Court at New Delhi. Learned counsel submitted that in the said

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criminal case, the Investigating Agency has presented the closure report which has been duly accepted by the competent court of law having jurisdiction over the matter. He further submitted that after submission of the closure report, there is no impediment to consider the applicant's case for promotion and, therefore, in the changed circumstances, the applicant wishes to submit a representation before the respondents requesting them to consider his case for promotion. Learned counsel further submitted that the applicant will be satisfied if a direction is issued to the respondents to decide his said representation within a time frame.

2. The fact with regard to aforestated closure report as stated by Shri Dharam Chand Jain, learned counsel for the applicant has not been disputed by Shri T.P.Sharma, learned counsel for the respondents.

3. Therefore, while keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with the observations that if such representation is filed by the applicant within a period of one month from the date of receipt of a certified copy of this order, the same shall be considered by the respondents and a reasoned and speaking order shall be

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passed in accordance with law within a period of two months thereafter.

5. Ordered accordingly. No order as to costs.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/