

Central Administrative Tribunal
Principal Bench

OA No.3556/2014

New Delhi, this the 21st day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Shri Tara Prasad, Inspector,
S/o late Jevlal (Group B),
R/o H.No.450, Age 59 years,
Sant Nagar Bus Stop,
Near Milap Property, Burari,
Delhi-84

- Applicant

(By Advocate: Mr. JS Mann)

Versus

1. Govt. of NCT of Delhi,
Through Chief Secretary,
Players Building, IP Estate,
New Delhi
2. Principal Secretary-cum-Commissioner,
(Transport), Transport Department,
Govt. of NCT of Delhi, 5/9 under Hill Road,
Delhi-54
3. Deputy Commissioner (Admin)
Transport Department,
Govt. of NCT of Delhi, 5/9 under Hill Road,
Delhi-54

- Respondents

(By Advocate: Mr. Amit Anand)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy:

The applicant was working as Inspector in the Transport Department of GNCTD. The DPC was held



on 12.06.2014 to select the Inspectors for promotion to the post of Enforcement Officer (EO) on ad hoc basis. The name of the applicant was recommended and it is stated that no steps have been taken thereafter. This OA is filed, with a prayer to direct the respondents to convene the DPC for regular promotion to the post of EO and to effect promotion from the date on which the vacancies have arisen.

2. The respondents have filed a counter affidavit, opposing the OA. It is stated that though the DPC was convened on 12.06.2014 for the purpose of ad hoc promotions, the Appointing Authority took the view that steps need to be taken for regular promotion and accordingly, the DPC was convened on 12.02.2015 and orders of promotion were issued on 26.03.2015.

3. We heard Shri J.S. Mann, learned counsel for the applicant and Shri Amit Anand, learned counsel for the respondents.

4. The grievance of the applicant was about the delay in convening the DPC for regular promotions. The circumstances, under which the respondents



convened the DPC on 12.06.2014 for ad hoc promotion, are not available before us. However, the grievance of the applicant stood redressed during the pendency of the OA. DPC for regular promotion was conducted and on 26.03.2015, and the applicant was promoted along with other candidates, who were found fit.

5. Though the applicant claims that the promotion should have been effected from the date on which the vacancy existed, we find it difficult to accept that. It is only when an Inspector, who is junior to the applicant, was promoted with effect from an earlier date that he can feel aggrieved. There is nothing in law, which ordains that the DPC must be held as soon as the vacancy arises. Much would depend upon the administrative exigencies. An employee will have a right to be considered for promotion as and when the process takes place, but not the right to insist on being promoted with effect from a particular date.

6. We, therefore, dispose of the OA, taking note of the fact that the applicant has already been promoted

as Enforcement Officer on 26.03.2015. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/1g/

