

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**



**O.A. No. 4082/2014
M.A. No. 1928/2018**

New Delhi, this the 22nd day of January, 2020

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

Raj Kanwar,
S/o Late Shri Jai Lal,
Aged 50 years,
Diesel Engine Driver,
HPT AIR, Khampur, Delhi &
R/o Village & P.O. Dhulsiras,
Distt. South West, New Delhi-077.

.. Applicant

(By Advocate: Shri Shoeb Shakeel)

Versus

1. The Director General,
All India Radio and Doordarshan,
Akashwani Bhawan,
New Delhi-110001.
2. The Additional Director General (Engg) DDM,
EPC Section, All India Radio and Doordarshan,
Jamnagar House (NZ),
Shahjahan Road, New Delhi.
3. Deputy Director (Engg),
All India Radio and Doordarshan,
Jamnagar House (NZ),
Shahjahan Road, New Delhi.
4. The CEO,
Prasar Bharti,
IIInd Floor, PTI Building,
Sansad Marg, New Delhi-110001.



5. Union of India,
Through Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan, New Delhi.
6. Shri Praveen,
Diesel Technician,
HPT AIR Khampur,
New Delhi-110036.
7. Shri Ombir Singh,
Diesel Technician,
HPT AIR Kargil.
8. Shri Trilok Chand,
Diesel Engine Technician,
HPT Air Camp,
Mall Road, Delhi-11009.

.. Respondents

(By Advocate : Shri S.M. Arif with Ms. Shabnam
Perween for R-1 to 4)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is working as a Diesel Engine Driver in the Prasar Bharti. The promotion from that post is to the post of Diesel Technician. The case of eligible candidates was considered by the DPC and order of promotion was issued on 02.09.2013. Out of 6 persons, two Diesel Engine Drivers, who were juniors to the applicant, were also promoted. This O.A. is filed with a prayer to quash the order dated 02.09.2013 and



to direct the respondents to promote the applicant by conducting a review DPC. Consequential benefits were also claimed.

2. Respondents filed counter affidavit opposing the O.A. It is stated that the applicant remained unauthorisedly absent for more than a decade, between 19.02.1998 to 08.05.2008, and though his absence was regularised at a later point of time and he was permitted to join, the period of absence was treated as *dies non*. They contend that in view of such a development, the applicant was not found to be in the zone of consideration in the year 2013.

3. We heard Shri Shoeb Shakeel, learned counsel for the applicant and Shri S.M. Arif, learned counsel for the respondents No.1 to 4.

4. The challenge in this O.A. is to the order dated 02.09.2013. Six Diesel Engine Drivers were promoted to the post of Diesel Technicians. Had the applicant been in service without any break, he too would have been considered for promotion at that time. It is evident from the record that two of his juniors were promoted. It is



not in dispute that the applicant remained absent for 10 years between 1998 and 2008 and the ACRs for those years were not available. The period of absence was treated as *dies non* and on account of those reasons, the DPC did not consider the case of the applicant in the year 2013. No exception to be taken in the case of the applicant for non-consideration in the year 2013.

5. Fairly enough, the DPC, which met on 07.02.2017, considered the case of the applicant and, in fact, found him fit in all other respects. However, due to pendency of the court proceedings, they did not recommend his case.

6. We are of the view that the applicant can be recommended for promotion to the post of Diesel Technician, from the date on which his juniors were promoted, on the basis of the recommendation of the DPC, which met on 07.02.2017.

7. We, therefore, allow the O.A. in part, and direct the respondents to promote the applicant to the post of Diesel Technician, from the date on which his juniors



were promoted, on the basis of the recommendation of the DPC, which met on 07.02.2017, without the necessity of convening a review DPC. The orders in this behalf shall be passed within a period of four weeks from today. The promotion and notional fixation of pay of the applicant shall be made from the date, on which his juniors were promoted, but the monetary benefits shall be extended from the date of passing of the order. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/