



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA No. 2451/2014**

New Delhi, this the 26<sup>th</sup> day of February, 2020

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

Shri V V Krishna Sarma, S/o Sri V. Rama Murty,  
Administrative Officer,  
Song and Drama Division,  
Ministry of Information and Broadcasting,  
9<sup>th</sup> Floor, Soochna Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi – 110003.

...Applicant

(By Advocate: Mr. Vimal Gautam)

Versus

1. Union of India,  
Through the Secretary,  
Ministry of Information and Broadcasting,  
'A' Wing, Shastri Bhawan,  
New Delhi – 110001.

2. Director,  
Song and Drama Division,  
Ministry of Information and Broadcasting,  
9<sup>th</sup> Floor, Soochna Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi – 110003.

...Respondents

(By Advocate: Ms. Aishwarya Dobhal for Mr. Hilal Haider)

**ORDER (ORAL)****Justice L. Narasimha Reddy, Chairman:-**

The applicant is working as Administrative Officer in the Song and Drama Division of Ministry of Information and Broadcasting, the Respondent No. 02 herein. The next promotion is to the post of Assistant Director (AD). It is stated that vacancy arose on account of retirement of one Mr. Nikhilesh Chatterjee in the year, 2014. The applicant states that he was placed at Sl. No. 01 in the seniority list dated 21.12.2011 and though he was qualified to be considered for promotion, the respondents did not conduct the DPC and thereby he is deprived of the promotion. With this background, he filed this OA with a prayer to direct the respondents to take steps to fill up the post of AD in accordance with the existing Recruitment Rules and seniority list. Other ancillary reliefs are also claimed.

2. Respondents filed a counter affidavit opposing the OA. It is stated that the applicant was transferred to a unit at Bhopal in the year 2010 and there, he was involved in misappropriation of Government property. It is



stated that a criminal case vide FIR No. 150/12 on the one hand and disciplinary proceedings on the other were initiated against him. It is also stated that the one officer by name Mr. M. Rajamannar exonerated the applicant of the charges but the Appellate Authority has taken exception to it. The criminal case registered against the applicant is said to be still pending trial. The respondents contend that as and when the DPC meets for promotion to the post of AD, the case of the applicant would be considered, in accordance with law.

3. We heard Mr. Vimal Gautam, learned counsel for the applicant and Ms. Aishwarya Dobhal for Mr. Hilal Haider, learned counsel for the respondents.

4. The applicant is no doubt, the senior most in the post of Administrative Officer and he is otherwise eligible to be considered for promotion the post of AD. The fact, however, remains that neither the applicant nor any officer has right to insist on being promoted. It is only when the



promotion takes place that he can insist on being considered.

5. It is not in dispute that the applicant was placed under suspension and he is also facing disciplinary proceedings as well as the criminal case. Assuming that the disciplinary proceedings ended in his favour, there is a serious impediment for his being promoted. Once he figures accused in criminal case, the sealed cover procedure needs to be adopted whenever the DPC meets. The judgment of Hon'ble Supreme Court in **UOI Vs. K. V. Janakiraman** (1991) 4 SCC 109, becomes relevant in this regard. The applicant has also mentioned that the APARs of different years are not assessed properly.

6. When such is the state of affairs, he is not entitled to be promoted. The OA is, accordingly, dismissed. We, however, make it clear that, as and when, the DPC meets for promotion to the post of AD, the case of the applicant may be considered in accordance with law i.e. by maintaining sealed cover and it shall be opened in case he is acquitted



and is free from disciplinary proceedings. There shall be no order as to costs.

**(A.K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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