



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 981/2019

MA No. 432/2020

Order reserved on : 10.02.2020

Order pronounced on : 14.02.2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI MEMBER (J)
HON'BLE MR. PRADEEP KUMAR MEMBER (A)**

Sunil Kumar Jayant, Inspector, Group B
Age about 33 Years,
S/o Shri Moti Lal Jayant
R/o A-42 Neelgiri Enclave, Albatiya Road,
Shahganj, Agra, U.P.
Working as Inspector
O/o the Commissioner of Customs,
ICD PPG & Others, Delhi-96

.....Applicant

(By Advocate: Sh. M. K. Bhardwaj)

Versus

1. Union of India,
Through its Secretary
Ministry of Finance, Department of Revenue
North Block, New Delhi
2. The Chairman
CBIC, North Block
New Delhi
3. The Chief Commissioner of Central GST,
Cadre Control Authority, Delhi Zone,
C.R. Building, I.P. Estate, New Delhi-110002

.....Respondents

(By Advocate: Sh. Rajeev Kumar)

ORDER



BY HON'BLE MR. PRADEEP KUMAR MEMBER (A)

1. The applicant herein was directly recruited as an Inspector in Central Excise and he joined on 11.12.2009. The batch mates of the applicant had joined on an earlier date.

2. The respondents considered the promotion of this batch to the post of Superintendent and the DPC was held on 30.03.2016. In that DPC, all those candidates who had completed the minimum requisite service of eight years, were considered. The applicant herein did not have requisite service hence his name was not considered.

3. This issue ended up for adjudication before the Hon'ble High Court wherein directions were issued that a relaxation upto two years, in such cases, is to be granted. Accordingly, DoP&T had also issued relevant OM. Once this OM was issued, a review DPC for the left out candidate was also conducted on 09.08.2018 wherein the case of applicant was also considered. However by this time, another fact came to light that applicant was put under suspension on 13.10.2017 and accordingly his name was kept in a sealed cover in this DPC.



4. The applicant pleads that his batch mates for whom, DPC is initially held on 13.03.2016, were granted promotion w.e.f. 01.04.2016. Further the said suspension has since been revoked on 02.11.2018 and no departmental chargesheet or criminal proceedings or vigilance case is pending at the moment. Accordingly, the respondents are required to open the sealed cover and act according to the DPC recommendation contained therein.

5. Applicant also pleads that exactly a similar issue has already been decided by the Tribunal in OA No.970/2019 vide judgment dated 13.12.2019. He pleaded that the instant OA can also be decided on similar lines.

6. There is no dispute by the respondents to the facts as enumerated above.

7. Matter has been heard. In view of the forgoing, the OA is disposed off with directions to the respondents to open the sealed cover and give effect to the recommendations contained therein. In case the DPC has found the applicant as fit for promotion, he shall be granted notional pay fixation w.e.f. 01.04.2016 along with his batch mates. This exercise be completed within a period of eight weeks from the date of receipt of the certified copy of this order.

8. Pending MA No.432/2020 stands disposed off accordingly.



No costs.

(PRADEEP KUMAR)
MEMBER (A)

(JUSTICE VIJAY LAKSHMI)
MEMBER (J)

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