

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



**O.A No. 113/2019 With
M.A No. 97/2019**

This the 19th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Vinod Ashwini Saxena,
Aged about 50 years,
S/o. Mr. V. P. Saxena,
R/o. H. No. 2-B, Block-225, Panchkuian Road,
Railway Officers Colony
Basant Lane, Connaught Place,
New Delhi – 110 001.Applicant

(By Advocate : Ms. Anamika Sharma for Mr. Biswajit Das)

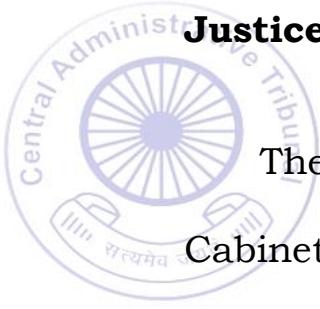
Versus

1. Union of India
Through Cabinet Secretary,
Appointment Committee of the Cabinet (ACC),
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi – 110 004.
2. Research and Analysis Wing (R&AW)
Through Secretary,
Cabinet Secretary,
Cabinet Secretariat, Room No. 1001,
B-1 Wing, 10th Floor,
Pt. Deen Dayal Antodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
3. Department of Personnel & Training (DoP&T)
Through its Secretary,
North Block, Central Secretariat,
New Delhi – 110 001.Respondents

(By Advocate : Mr. R. K. Jain for Mr. Gyanendra Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :



The applicant was holding the post of Director in the Cabinet Secretariat. His case was considered by the DPC for promotion to the post of Joint Secretary. Though, the DPC recommended his case at its meeting held on 12.05.2015, the Appointment Committee of the Cabinet (ACC) did not accept the recommendation. A representation dated 28.11.2017 submitted by applicant was rejected through an order dated 07.02.2018. This O.A is filed challenging the memorandum dated 07.02.2018 through which the applicant was informed that the DPC which met on 14.08.2017 did not recommend his case. Further, prayer is made to set aside the operation of the recommendation of 14.08.2017 and to direct the respondents to effect the promotion of the applicant on the basis of the recommendation of the DPC which met on 12.05.2015. Other ancillary prayers are also made.

2. Respondents filed counter affidavit opposing the O.A. It is stated that though the DPC recommended the case of the applicant for promotion in the year 2015, the ACC did not accept the recommendation and at the subsequent stage, the DPC did not recommend his case at all.

3. We heard Ms. Anamika Sharma for Mr. Biswajit Das, learned counsel for applicant and Mr. R. K. Jain for Mr. Gyanendra Singh, learned counsel for respondents.

4. The necessity for us to deal with the O.A in detail is obviated on account of the fact that the applicant has since been dismissed from service through an order dated 26.10.2018. O.A No. 4315/2018, filed by him, challenging the order of dismissal, is dismissed by this Tribunal today itself. Hence, this O.A is dismissed as infructuous.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/