

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A.NO.3153/2001

Tuesday, this the 29th day of April, 2003

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

N.B. Bhatnagar
son of Late Shri K.B. Bhatnagar aged about 55 years
Designation: Senior Artists, AFFPD
Office Address: 57/H, Krishan Menon Marg,
New Delhi-11

Resident of 9/766, Lodhi Road, New Delhi-3
..Applicant
(By Advocate: Dr. Sumant Bhardwaj)

Versus

1. Union of India through
Secretary, Ministry of Defence
South Block, New Delhi
2. Shri S.K.Sharma
Director, AFFPD,
H.Block, Krishna Menon Marg,
New Delhi-11
3. Shri Falguni Raj Kumar
Joint Secretary (Training) & CAO
Ministry of Defence
C-11 Hutments, New Delhi-11
4. Smt. Amrita Sharan
Joint Director, CAO P-2
Office of Joint Secretary (Training)
& CAO, Ministry of Defence,
C-II Hutments, New Delhi-11
5. Shri Fakhrey Alam
Sr. Artist APFDD
Office Address: 57 H
Krishna Menon Marg, New Delhi

..Respondents

(By Advocates: Smt. Pritma Gupta for respondents 1 to 4 -
Shri Narendra Safaya for respondent 5)

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

This Tribunal had disposed of OA-1249/2000 on
13.2.2001. The petition had been filed by the present
applicant in which private respondent No.5 Shri Fakhrey
Alam was also a party. The operative portion of the
order passed by this Tribunal reads:-

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"(i) The impugned order dated 25-8-1999 is quashed and set aside;

(ii) Respondents 1 and 2 shall hold a review DPC to consider the eligible candidates for promotion to the post of Animation Artist in accordance with the relevant Recruitment Rules, keeping in view the observations made above and take an appropriate decision. This shall be done within three months from the date of receipt of a copy of this order;

(iii) In the meantime in public interest, Respondent No.3 may be allowed to continue in the promotion post of Animation Artist till a decision is taken as above;

(iv) If the applicant is recommended for promotion by the review DPC, he shall be entitled to the consequential benefits in accordance with law."

2. In pursuance of the decision of this Tribunal, a review DPC has been held. According to the applicant, the same private respondent has again been selected and placed on the panel.

3. During the course of submissions, learned counsel for private respondent informed us that the decision of this Tribunal in OA-1249/2000 has been challenged by him and the matter is pending in the Delhi High Court.

4. Learned counsel for official respondents stated that the panel that was prepared in pursuance of the review DPC has also expired with the passage of time and another review DPC shall be held in accordance with law.

5. Keeping in view the said submissions that have been made at the bar, learned counsel for applicant states that for the present, subject to the decision of the Delhi High Court in the pending Writ Petition

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mentioned above, he would not press the present application and if any adverse decision is taken by the official respondents, he will challenge the same.

6. Allowed as prayed. In the face of the aforesaid, OA is dismissed as withdrawn.

7. The review DPC, if any, may be held preferably within four months from today.

(Govindan S. Tampi)
Member (A)

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(V.S. Aggarwal)
Chairman