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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 576/97

New Delhi: this the 8<sup>th</sup> December, 1997.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri P.C.Gupta,  
S/o. Shri Lachman Dass,  
R/o Kp-43, Maurya Enclave, Pitampura,  
New Delhi - 110 034. .... Applicant.

(By Advocate: Shri B.S.Charya ).

Versus

1. The Director of Education,  
Office of the Directorate of Education,  
215-16, Old Secretariat,  
Delhi - 54.

2. The Secretary (Education),  
NCT of Delhi,  
5, Sham Nath Marg, Delhi - 54.

3. National Capital Territory of Delhi,  
5, Sham Nath Marg, Delhi - 54  
through its Chief Secretary .... Respondents.

(By Advocate: Shri S.K.Gupta )

JUDGMENT

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A).

Applicant is aggrieved by denial of his promotion as Vice Principal while persons allegedly junior to him have been promoted vide orders dated 13.4.92 and 13.9.96.

2. No reply have been filed by respondents despite several opportunities given to them.

3. We have heard Shri Charya for applicant and Shri Gupta for respondents.

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4. Appended to the OA is a copy of Memo dated 27.5.92 (Annexure-P4) issued from Dts. of Education (Vigilance Branch) asking him to state whether he or any member of his family is working as a Property Dealer in the name and style of "Manglam Properties". Copy of applicant's reply dated 9.6.92 (Annexure-A5) is also on record denying any connection.

Shri Charya states that he has heard nothing further in the matter, but respondents have illegally and arbitrarily denied his client's promotion.

5. Applicant also states that respondents have released a seniority list of Vice Principals (Annexure-P-2) in which applicant's name finds mention at Sl.No.535 with seniority of 592. Applicant contends that in April, 1992 respondents promoted incumbents from Sls No.536 to 734, while omitting him although his position was at Sl.No.535.

6. These averments remain unchallenged in absence of any reply filed by respondents.

7. We also note that applicant had represented to respondents regarding his grievance on 18.12.96 (Annexure-P3) which Shri Charya states remained un replied to.

8. In so far as applicant's claim for promotion from 1992 is concerned, we note that this OA was filed in 1997 and hence that claim

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is barred by limitation, but in so far as applicant's claim for promotion from the date his juniors were promoted in 1996 with consequential benefits is concerned, we direct respondents to consider the same in accordance with rules and instructions, subject to applicant being fully eligible for the same both as regards educational and experience qualification as well as from the vigilance angle and pass a detailed, speaking and reasoned order under intimation to him within 3 months from the date of receipt of a copy of this order. No costs.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

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( S.R.ADIGE )  
VICE CHAIRMAN(A).

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