

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.187/2021

This the 29th day of January, 2021

(Through Video Conferencing)



Hon'ble Mr. R.N. Singh, Member (J)

Hon'ble Mr. Mohd. Jamshed, Member (A)

Shri Sunil Kumar, LVD (Ordinary Grade)

Group 'C', Aged about 39 years

S/o Shri Hira Singh

R/o RZ-84, Gali No.8, MD Marg

'A' Block, Gopal Nagar, Najafgarh

New Delhi – 110 043.

... Applicant

(through Advocate Shri M. D. Jangra)

Versus

Govt. of NCT of Delhi & Ors. through

1. The Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat, IP Estate,
New Delhi.

2. The Director General of NCC
Govt. of NCT of Delhi
NCC Department
NCC Bhawan, Sec-19
Rohini, Delhi – 110 085.

3. The Addl Director General of NCC
Govt. of NCT of Delhi
NCC Department
NCC Bhawan, Sec-19
Rohini, Delhi – 110 085.

4. The Commanding Officer
No.2, Delhi Arty Bty NCC
B-6, Safdarjang Enclave
New Delhi – 110 029.

... Respondents

(through Advocate Ms. Esha Mazumdar)

ORDER (Oral)**Hon'ble Mr. R.N. Singh, Member (A):**

In the present OA, the applicant has prayed for the following reliefs :-



- “(i) To declare the action of the respondents in not considering the applicant for promotion to the post of Driver Grade II by holding DPC against the vacancy fall vacant wef 14.12.2014 as illegal and arbitrary.
- (ii) To direct the respondents to hold DPC for consideration of the applicant for promotion to the post of Driver Grade II wef 14.12.2014 by convening DPC with all consequential benefits including arrears of pay, along with interest @ per annum.
- (iii) to allow the OA with cost.
- (iv) to pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.”

2. The learned counsel for the applicant submits that though the applicant fulfils all the requisite qualifications for the post and he is also the senior-most in the relevant grade, the respondents have not considered him for the promotion. He is also stated that he have preferred a representation dated 19.10.2020 (Annexure A-1). However, even after lapse of three months, the respondents have not considered and disposed of the said representation of the applicant.

3. Issue notice. Ms. Esha Mazumdar, learned counsel, who appears for respondents on advance service, accepts notice.



4. At this stage, Shri M.D. Jangra, learned counsel for the applicant submits that the applicant shall be satisfied, if the present OA is disposed of at this very stage, with a direction to the respondents to consider the applicant's aforesaid representation and to dispose of the same in a time bound manner.

5. We are of the considered view that if such request of the applicant is accepted no prejudice is likely to be caused to the respondents.

6. In view of the aforesaid, without going into the merit of the claim of the applicant, the present OA is disposed of with a direction to the respondent no.3 to consider the applicant's aforesaid representation dated 19.10.2020 (Annexure A-1) and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within twelve weeks from the date of receipt of a copy of this order.

7. The OA is disposed of in the aforesaid terms. No costs.



(Mohd. Jamshed)
Member (A)

(R.N. Singh)
Member (J)

/cc/uma/anjali