



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 2131/2020

M.A. No. 2723/2020

Tuesday, this the 22nd day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Narender Singh Negi, Sr. A.O. (Retd.),
Gr. 'A', S/o Late J. S. Negi, Aged about 61 yrs,
R/o House No. 339, Type-4,
Laxmi Bai Nagar, New Delhi – 110023.
Retired as Senior Accounts Officer from-
O/o the Controller General of Accounts (CGA),
Deptt. Of Expenditure, M/o Finance, GPO Complex,
Block E, Mahalekha Niyantrak Bhavan, INA, New Delhi
– 23.
2. Mohan Deep, Sr. A.O., Gr. 'A',
S/o Late Narain Singh Tanwar, Aged about 61 yrs,
R/o House No. CB-101, Naraina, New Delhi – 110028,
Retired as Sr. Accounts Officer from-,
O/o of the Controller General of Accounts (CGA),
Deptt. Of Expenditure, M/o Finance, GPO Complex,
Block E, Mahalekha Niyantrak Bhavan, INA, New Delhi
– 23.
3. Ram Narayan Bairwa, Sr. A. O. (Retd.), Gr. 'A',
S/o Shri Bhori Lal Bairwa, Aged about 61 years,
R/o Flat No. E-901, Apex Athena, Sector – 75, Noida,
Gautam Budh Nagar, Noida-201301 (UP),
Retired as Sr. Accounts Officer from-
O/o Regional Pay & A/cs. Office (National Highways),
Jaipur,
Under O/o the Controller General of Accounts (CGA),
Deptt. Of Expenditure, M/o Finance, GPO Complex,
Block E,
Mahalekha Niyantrak Bhavan, INA, New Delhi –
110023.
4. Surendra Singh Chauhan, Sr. A.O. (Retd.), Gp. 'A',
S/o Shri Devi Singh Chauhan, Aged about 61 years,
R/o E-23, Nawada Housing Complex,
Dwarka More, New Delhi.

Retired as Sr. Accounts Officer From-
O/o ADG (NZ), AIR&DD, (Parasar Bharti), M/o I&B,
Under O/o the Controller General of Accounts (CGA),
Deptt. Of Expenditure, M/o Finance, GPO Complex,
Block E,
Mahalekha Niyantarak Bhavan, INA, New Delhi –
110023.



5. Mukesh Mani Gautam, Sr. A.O. (Retd.), GP. 'A',
S/o Late Damodar Prasad Sharma, Aged about 61 years,
R/o H. No. 272 FF, Ashoka Enclave Part-1,
Sector – 34, Faridabad.
Retired as Sr. Accounts Officer from-
O/o CCA, M/o Labour, Shram Shakti Bhawan, N. Delhi,
Under O/o the Controller General of Accounts (CGA),
Deptt. Of Expenditure, M/o Finance, GPO Complex,
Block E,
Mahalekha Niyantarak Bhavan, INA, New Delhi –
110023.

... Applicants
(through Mr. D. P. Sharma , Advocate)

Versus

Union of India through,

1. The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi – 110001.

2. The Controller General of Accounts,
Department of Expenditure, M/o Finance,
Mahalekha Niyantarak Bhawan,
GPO Complex, Block E, Aviation Colony,
INA Colony, New Delhi.

... Respondents
(through Dr. Ch. Shamshuddin Khan, Advocate)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:****M.A. No. 2723/2020**

M.A. seeking joining together in a single petition is allowed.

**O.A. No. 2131/2020**

The applicants retired from the service of Controller General of Accounts, Ministry of Finance as Accounts Officers. According to them, there exist quite a large number of vacancies in Group – ‘A’ as per the cadre strength, under ICAS (Group ‘A’) Recruitment Rules, 2006, and in the recent past there was substantial reduction. The applicants contend that had the vacancies not been reduced to the detriment, they would have got an opportunity for being promoted. This O.A. is filed seeking a direction to the respondent No. 2, to promote the applicants notionally with effect from the respective dates on which, they became eligible, against the available vacancies under the ICAS (Group ‘A’) Recruitment Rules, 2006, and to revise their pension, as a result of such notional promotions.

2. The applicants contend that the valuable right had accrued to them for being considered for promotion on completion of requisite service, but on account of the non-availability of vacancies, they were not promoted while in service.

3. We heard Mr. D.P. Sharma, learned counsel for applicants and Dr. Ch. Shamshuddin Khan, learned counsel for respondents, at the stage of admission, through video conferencing.



4. It is no doubt true that the applicants acquired eligibility to be considered for promotion to Group 'A' while in service. The fact remains that the promotions did not take place on account of non-availability of vacancies. The respondents are said to have reduced the vacancies of Group 'A' almost to 32%.

5. It is fairly well settled that an officer or employee is vested with the right, only to be considered for promotion and not with the right to be promoted. As and when promotion takes place the eligible persons need to be considered. If for any reason, the promotions are delayed and the applicants retired from the service, their cases for promotions cannot be considered. The matter can be viewed from another angle. Even where adequate numbers of vacancies exist, the appointing authority may have its own reasons for delaying the promotions. It is only when such a delay or deferment is found to be unlawful, that appropriate direction can be issued. There again, no specific direction can be issued to promote any particular person in the feeder category, simply because he has completed the stipulated length of service.

6. Time and again, the Hon'ble Supreme Court held that no retired employee can be extended the benefit of promotion from a retrospective date. The only exception, is where the junior to such retired person is promoted earlier to the date of his retirement. In such cases, the benefit of notional promotion can be granted. The applicants are not able to point out that any junior to them was promoted with effect from the date earlier to one on which they retired.



7. We do not find any merit in the present O.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 22, 2020
/sunil/vb/ankit/sd