

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

O.A. No.1386/2020

This the 5th day of October, 2020

(Through Video Conferencing)

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

Kanchan Singh,
Chief Horticulturist, Group 'A',
Aged about 59 years,
S/o Shri Bahori Lal,
R/o House No.12/504, Friends Society,
Vasundhara, Ghaziabad (UP)-201012.

...Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India,
Through its Secretary,
Ministry of Culture,
Shastri Bhawan,
New Delhi-110001.
2. The Director General,
Archaeological Survey of India,
24, Tilak Marg, New Delhi-110001.
3. Union Public Service Commission,
Through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi-110001.

...Respondents

(By Advocate : Shri Sanjeev Yadav for R-1&2
Shri R.V. Sinha for R-3)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman :-

The applicant is working as a Chief Horticulturist in the Archaeological Survey of India. The next promotion is to the post of Director (Horticulture). In the recent past, the process was initiated and the matter was referred to the UPSC. The applicant contends that though his name was recommended by the UPSC for promotion to the post of Director (Horticulture), respondents No.1&2 have not finalised the issue as yet. It is also stated that another officer is put on the charge of the post of Director (Horticulture).

2. This OA is filed with a prayer to direct the respondents to finalise the process of selection and promotion to the post of Director (Horticulture). Earlier, the OA was listed for admission and we adjourned it to enable the learned counsel for respondents to obtain instructions.

3. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri Sanjeev Yadav and Shri R.V. Sinha, learned counsel for respective respondents, at the stage of admission.



4. Since the process of selection is involved for promotion to the post of Director (Horticulture), the respondents No.1&2 entrusted the same to the UPSC i.e. the 3rd respondent. On its part, respondent No.3 completed the process of selection and forwarded the name of the applicant on 30.12.2019. It is no doubt true that it is for the appointing authority to take a decision on the recommendation made by the UPSC. However, once the post is lying vacant and the UPSC has already completed the process of selection, the respondents No.1&2 are not expected to take so much of time to complete the process. By any standard, nine months is fairly long in a matter of this nature.

5. We therefore dispose of the OA, directing the respondents No.1&2 to complete the process for promotion to the post of Director (Horticulture), pursuant to the recommendation of the UPSC contained in the proceeding dated 30.12.2019, within a period of four weeks from the date of receipt of a copy of this order.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (J)

(Justice L. Narasimha Reddy)
Chairman