

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

O.A. No.1832/2018

This the 08th day of December, 2020

(Through Video Conferencing)

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



S.M. Matloob,
Class C, Age 64 years,
I-102, Batla House, Jamia Nagar,
New Delhi-110025

...Applicant

(Applicant in person)

VERSUS

The Director General,
Indian Council for Cultural Relations,
Azad Bhawan, IP Estate,
New Delhi-110002

...Respondent

(By Advocate: Mr. MK Bhardwaj)

ORDER (Oral)

Justice L. Narasimha Reddy:-

The applicant worked as Assistant and retired from service in the year 2015. He filed this OA with a prayer to “direct the respondents to pay all the consequential reliefs, including promotion allowances and other benefits for the entire period along with 18% interest”.



2. The applicant contends that on account of the initiative taken by him to prevent corruption, several cases were registered by CBI and as a counterblast, he was transferred to Lucknow. It is stated that he was not permitted to join at Lucknow, but disciplinary proceedings were initiated when he reported back, and ultimately he had to approach various courts in this behalf. He further contends that in the process, he was denied promotion to the next higher post.

3. The respondents filed a detailed counter affidavit. It is stated that the applicant was not on duty for about 14 years and though the period was regularized at a later stage, he retired from service in the year 2015 and nothing can be done at this stage. Reference is made to the judgment delivered by Madras High Court where it was held that a retired employee cannot be promoted even if charges were set aside.

4. We heard applicant in person and Shri M.K. Bhardwaj, counsel for the respondents.

5. The applicant has not furnished the details of various developments that have taken place while he was in service. The fact remains that the applicant retired from service in the year 2015. The OA is not clear as to what is the post to which the applicant was to be promoted and what are the reasons on account of which the applicant



was denied promotion. Basically, the retired employee cannot claim promotion. It is only when any junior to him in a particular cadre was promoted to a higher post before the date of retirement of such employee, that the feasibility of directing any notional promotion would arise. In the instant case, the applicant did not furnish any particulars whatsoever. Even in the prayer, he did not name the post to which he was required to be promoted.

6. We find no merit in the OA. However, we grant liberty to the applicant to make a representation to the respondents furnishing the details of his service and promotions which are stated to have been effected in favour of his juniors. As and when such a representation is made, the respondents shall pass orders on its own merits.

7. The OA is accordingly disposed of. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman