



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A. No. 060/475/2020
MA No. 060/1033/2020

Chandigarh, this the 14th day of October, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)

Shri Ish Kumar S/o Shri Ram Prakash Arora, aged 58 years, presently working as Divisional Electrical Engineer, Co-ordination Northern Railway, Railway Station, Chandigarh-160 029.

...Applicant

(By Advocate: Mr. D.R. Sharma)

Versus

1. Union of India through Secretary, Ministry of Railway (Railway Board), Rail Bhawan, New Delhi – 110 001.
2. General Manager (P), Northern Railway, Baroda House, New Delhi-110 001.
3. The Secretary, Union Public Service Commission, Dholpur House, Shahajahan Road, New Delhi – 110 001.
4. Rajesh Kumar, working as Divisional Electrical Engineer, Research Design and Standards Organization, (RDSO), Lucknow, U.P.-226002.

... Respondents

(By Advocate: Mr. L.B. Singh)

O R D E R (Oral)**SANJEEV KAUSHIK, (Member) (J):**

1. With the consent of the parties, the main case is taken up for hearing today itself.
2. The present OA has been filed, challenging order dated 21.07.2020 to the extent of denying promotion to the applicant as a Junior Scale Officer with a further prayer to direct the respondents to promote him w.e.f. 17.06.2001 at par with his juniors with all consequential benefits.
3. On notice, the respondents have filed written statement. Subsequently also, they were directed to file additional document stating therein that the respondents have reconsidered the case of the applicant for promotion and forwarded the same to the UPSC for holding review DPC. In response, the respondents have filed MA No. 060/1033/2020 alongwith Railway Board affidavit dated 29.09.2020. The same is taken on record. Para No. 3 of this affidavit reads as under:-

"3. The name of Sh. Ish Kumar of Northern Railway was considered by the said DPC and the recommendations in his case were placed in sealed cover due to a charge sheet dated 24.5.2016 pending against him. However, as per fresh D & AR/Vigilance furnished by



Northern Railway, it has been informed that Sh. Kumar had been exonerated from the charges before the convening of the DPC. Since this information could not be placed before the DPC convened on 17.06.2020, a review DPC proposal was required to be sent to UPSC to review his case. Accordingly, a review DPC proposal has been submitted to UPSC vide Railway Board's affidavit dated 8.9.2020 to review the case of Shri Ish Kumar along with another case."

4. Sh. D.R. Sharma, learned counsel for the applicant submits that as per submission made in the written statement, at the time of DPC, the applicant was under cloud as the departmental proceedings were pending against him and hence his case was kept in sealed cover. He submits that since the applicant has already been exonerated as per admission of respondents themselves in para No. 3 of affidavit dated 29.09.2020, therefore, there is no need to hold review DPC and the respondents are only required to open the sealed cover and act upon the recommendations of the DPC.

5. Sh. L.B. Singh, learned counsel for the respondents submit that the respondents have already moved a proposal for review DPC. Learned counsel for the applicant submits that this is contrary to law as once an employee has been considered in DPC and his case is kept in sealed cover, there is no need to hold



review DPC. Thus, he submits that respondents be directed to open sealed cover and decide the fate of the applicant.

6. We are in agreement with the statement made by learned counsel for the applicant and in terms of para No. 3 of affidavit dated 29.09.2020, we direct the respondents that if they have already considered the case of the applicant, the sealed cover be opened and its recommendations be given effect to. Considering the fact that there is contrary statement made in para 3 of the affidavit, we direct the respondents that if the case of the applicant has not been considered in the DPC, then they will hold a review DPC expeditiously, not later than two months from the date of receipt of copy of this order and consider applicant's case for promotion at par with his juniors.

7. OA is disposed of in the above terms. No costs.

(Ajanta Dayalan)
Member (A)

(Sanjeev Kaushik)
Member(J)

Place: Chandigarh
Dated: 14.10.2020
ND*

