

31

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 90/2007
OA 2813/2004

New Delhi, this the 26th day of April 2007

**HON'BLE MR. L.K. JOSHI, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)**

Lakhan
S/o Late Sh. Bhujbal
R/o Type-II/34, New Campus
Delhi College of Engineering
Bawana Road, Delhi-42. ... Applicant.

(By Advocate Ms. Aishwarya Bhati for Sh. Karan Singh Bhati)

VERSUS

1. Sh. R. Narayan Swami
Chief Secretary
Delhi Govt. of NCT of Delhi
2. Sh. Dulal Goldar
Principal
Delhi College of Engineering
Govt. National Capital Territory of Delhi
Bawana Road, Delhi. ... Respondents.

(By Advocate Shri Rakesh Khanna, Senior Advocate with Ms. Simran)

O R D E R (ORAL)

By Mr. Mukesh Kumar Gupta, Member (J):-

Vide order dated 20.1.2006 disposing of OA No.2813/2004, respondents were directed to convene DPC and consider applicant for promotion to the post of Draftsman in terms of RRs of 1967. In case he is approved for promotion, aforesaid order further directed that he will be appointed within two weeks thereafter to said post with notional fixation of pay w.e.f. 17.12.2004.

2. Respondents by filing reply pointed out that aforesaid directions have been carried and vide Office Order dated 24.4.2007, applicant has been promoted to said post in pay scale of Rs.5,000-8,000/- w.e.f. the date he takes over charge of his post. His pay has been accordingly fixed on notional basis



w.e.f. 17.12.2004. Respondents further states that said order will be subject to the final decision of Writ Petition (Civil) No.13227-28/2006 preferred by them before the Hon'ble Delhi High Court, which is pending.

3. Ms. Aishwarya Bhati, learned counsel for applicant pointed out that respondents were directed to convene DPC within the timeframe, as prescribed vide order dated 20.1.2006. Since there is delay in convening DPC and promoting applicant, he should not be made to suffer.

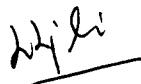
4. On the face of it, since time-limit prescribed vide said order has not been extended, there appears to be a delay in convening the concerned DPC. Learned Senior Counsel appearing on behalf of respondents points out that since there had been amendment in RRs in the meantime, necessary steps could not be taken in time.

5. In the above circumstances, we are of the view that respondents should consider whether applicant can be made to suffer in fixation of pay & allowances for a period of one year i.e. from 20.4.2006 to 24.4.2007. This shall be done by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

6. With above directions, present CP is disposed of. Notices are discharged.



(Mukesh Kumar Gupta)
Member (J)



(L.K. Joshi)
Vice-Chairman (A)

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