

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.434 /2004

This the 13th day of August, 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

S.R.Harit S/O R.S.Harit,
R/O 22, Bazar Lane, Bhogal,
Jangpura, New Delhi-110014.

... Applicant

(By Shri Yogesh Sharma, Advocate)

-versus-

1. Govt. of N.C.T. of Delhi through
Chief Secretary, New Secretariat,
I.P.Estate, New Delhi.

2. Principal Secretary (Service-I),
Govt. of NCT of Delhi,
New Secretariat, I.P.Estate,
New Delhi.

... Respondents

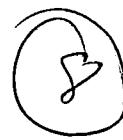
(By Shri Vijay Pandita, Advocate)

O R D E R (ORAL)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A) :

This application has been directed against action of the respondents by which they have not considered applicant's case for promotion to the post of DANICS while his junior Ms. Sneh Lata Mathur (now Sneh Lata Chand) has already been promoted as such.

Applicant had earlier filed an OA No.1815/2001 which was allowed vide order dated 11.4.2002 directing the respondents to hold a



review DPC to consider applicant's promotion from the date when his juniors were promoted. Respondents were also directed to consider granting consequential benefits in accordance with law, instructions and judicial pronouncements on the subject.

2. The learned counsel of applicant stated that respondents vide their order dated 21.2.2003 revised the seniority of Grade-I (DASS) in which applicant's name was also included at Sl. No.1680A above the name of his junior Ms. Sneh Lata Mathur who is at Sl. No.1681 in the seniority list of Grade-I (DASS). It has been contended that Ms. Sneh Lata Mathur had already been promoted to the post of DANICS vide order dated 9.4.2002 and is still working in that post. However, despite applicant's representations dated 24.2.2003 and 16.1.2004, respondents have not accorded the claimed promotion vis-à-vis applicant's junior Ms. Sneh Lata Mathur. It is pointed out that there had been a criminal case against the applicant filed in the year 1987 which has resulted in applicant's acquittal on 25.1.1999 on merits of the case. The learned counsel stated that on acquittal, applicant should have been accorded all consequential benefits such as seniority, promotion etc.

3. Learned counsel of the respondents, on the other hand stated that as the applicant had been involved in a criminal case which was decided on 25.1.1999 only, his name could not be recommended by the DPC on the date when his immediate junior was promoted to Grade-I (DASS). It is stated that Ms. Sneh Lata Mathur was promoted to the post of DANICS vide order dated

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9.4.2002. While applicant's name was placed above Ms. Sneh Lata Mathur in the seniority list of Grade-I (DASS) only on 20.1.2003, she had been promoted to the post of DANICS vide order dated 9.4.2002 prior to the allocation of higher seniority to the applicant.

4. We are not impressed by the arguments advanced on behalf of the respondents. Just because applicant's junior Ms. Sneh Lata Mathur had been promoted prior to allocation of higher seniority to the applicant, it does not mean that applicant is not entitled to consideration for promotion with effect from the same date as his junior had been promoted.

5. In view of the reasons stated above and in the interest of justice, respondents are directed to hold a review DPC within a period of one month from the date of communication of these orders to consider applicant's case for promotion from Grade-I (DASS) to the post of DANICS so as to accord him promotion w.e.f. 9.4.2002, i.e., the date when his junior was promoted. On being so promoted, applicant shall be entitled to consequential benefits also. Respondents should complete the entire process within a period of two months from the date of holding of the review DPC.

6. The OA is allowed in the above terms. No costs.

S. Raju
(Shanker Raju)
Member (J)

/as/

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A)

13.8.04