



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

O.A. No. 1984/2021

This the 13th day of September, 2021

Through Video Conferencing

Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Ashutosh Giri
S/o Late Brija Giri,
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Presently Working As:
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ESIC Regional Office, NM Joshi Marg,
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2. Surya Prakash Pandey,
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Presently Working As:
Deputy Director [Adhoc],
ESIC Hospital, Basaidarpur,
Ring Road, Block W, Basai Darapur,
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3. Rajeev Kumar
S/o Rajendra Prasad,
R/o 78, 3rd Cross, RMHBCS Layout,
Opposite- Ramakrishna Nagar Park,
Nandini Layout, Bengaluru- 560096,
Rajeev.kumar@esic.nic.in



Presently Working As:
Deputy Director [Adhoc],
ESIC Hospital, Peenya, Bengaluru

4. Rajesh Joshi
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Presently Working As:
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ESIC Regional Office, Prem Nagar
Dehradun, Uttarakhand- 248007

...Applicants

(By Advocate: Sh. Gautam Narain with
Sh. Prateek Dhanda)

Versus

1. Employees' State Insurance Corporation,
Through its Director General,
Panchdeep Bhawan,
Comrade Indrajeet Gupta Marg,
New Delhi- 110002
dir-gen@esic.nic.in
2. Union of India
Ministry of Labour & Employment,
Through its Secretary,
Shram Shakti Bhawan
Rafi Marg, New Delhi- 110001
secy-labour@nic.in
3. Union Public Service Commission,
Through its Chairman,
Dholpur House,
Shahjahan Road, New Delhi- 110069
chairman-upsc@gov.in

...Respondents

(By Advocate: Sh. Sanjeev Yadav, Sh. V.K.Singh and
Sh. Naresh Kaushik)

ORDER (ORAL)**Hon'ble Ms. Manjula Das, Chairman**

The applicants at present are officiating on the post of Deputy Director on ad hoc basis. They submit that they are eligible to be promoted to the post of Deputy Director on regular basis, and that there are clear-cut vacancies in the promotion quota. They also placed on record a calculation sheet showcasing the vacancies for the vacancy years 2017-18 to 2021-22 in the promotion quota along with various circulars issued by the respondents from time to time as regards retirement.

2. Vide OM dated 08.09.1998, DOP&T issued a Model Calendar for DPCs which *inter alia* provided for a time schedule to be followed by various departments. Thereafter, it came to notice of DOP&T that various Ministries/Departments were not following the Model Calendar, therefore, they issued OM dated 14.12.2000 to strictly comply with the instructions so as to achieve the desired objectives of timely convening of DPCs/preparation of approved select panels, within the prescribed time-frame.



Vide OM dated 11.03.2011 DOP&T specifically noted that delay in holding DPCs has an adverse effect on manpower planning and impedes the career progression of the employees.

3. According to the learned counsel for the applicants, the applicants were initially appointed to the post of Assistant Director on ad hoc basis, and were regularized w.e.f. 21.10.2011. Thereafter on 04.09.2015 all the applicants were promoted to the post of Deputy Director on ad hoc basis even though they were eligible for promotion on regular basis.

4. Applicants preferred their representations dated 23.08.2021 and 25.08.2021 requesting the respondents to convene DPC for the vacancy years 2017-18 to 2020-21 for their regularization on the post of Deputy Director.

5. Learned counsel for applicants has relied on following judgments of Hon'ble High Court of Delhi wherein under similar facts and circumstances the holding of regular DPCs has been emphasized:



- (a) **Dr. Sahadev Singh vs. Union of India & ors.**
decided on 28.02.2012 in WP (C) No.5549/2007
- (b) **V.K.Jain vs. Union of India**, decided on
03.05.2012 in WP (C) No.561/2003
- (c) **Dr. Ramakant Singh vs. Union of India**, 2016
SCC OnLine Del 4828.

6. We have considered the decisions of the Hon'ble High Court of Delhi mentioned hereinabove and are of the considered view that this OA can be disposed of by directing the respondents to dispose of the representations of the applicants by passing a reasoned and speaking order. The decision so taken by the respondents shall be conveyed to the applicants. Liberty is also granted to the applicants to approach this Tribunal, if they are not satisfied with the decision of the authority. Applicants shall take steps for serving the copy of this order along with the OA to respondents No.1 & 2 by **DASTI** as well as serving a copy of this order to the learned counsel for respondents. Learned counsel for respondent No.3 i.e. UPSC submits that there is no role on the part of UPSC.



However, the UPSC has been arrayed through Chairman instead of Secretary. It is made clear that we have not expressed any opinion on the merits of the case.

7. All pending MAs stand disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

September 13, 2021

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