

Item No. 21



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**OA No. 4642/2018**

**This the 23<sup>rd</sup> day of June, 2021**

(Through Video Conferencing)

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

Vijay Bhardwaj (Joint Director, Group A, aged 59 years)  
S/o Lt. Sh. Hukam Chand  
R/o B-1 Extn. 60/8  
Sewak Park, Uttam Nagar  
New Delhi-59. ... Applicant

(By Advocate: Mr. K.C. Mittal with Mr. Yugansh Mittal)

**Versus**

1. Union of India  
Through the Secretary  
Ministry of Defence  
South Block, Central Secretariat  
Rajpath Marg, New Delhi-110011.
2. Ministry of Defence  
Through the Secretary  
South Block, Central Secretariat  
Rajpath Marg, New Delhi-110011.
3. Mr. I.V. Ferdinand  
Director, AFHQ  
Ministry of Defence  
c/o Joint Secretary (PG&CAO), Ministry of Defence  
E-Block Hutments, Dara Shukoh Road  
New Delhi-110011.

Item No. 21



4. Mr. Raju Dewani  
Director, AFHQ  
c/o Joint Secretary (PG&CAO), Ministry of Defence  
E-Block Hutments, Dara Shukoh Road  
New Delhi-110011.
5. Union Public Service Commission  
Through Chairman  
Dholpur House  
Shahjahan Road, New Delhi. ... Respondents

(By Advocates : Mr. Ranjan Tyagi for R. No. 1 and Mr. R.V.  
Sinha with Mr. Amit Sinha for R.No. 5)

**O R D E R (ORAL)****Justice L. Narasimha Reddy, Chairman :**

The applicant was working as Joint Director in the Ministry of Defence, Office of PG & CAO by the year 2018. Respondent No. 3 and 4 were also promoted in the year 2017 to the post of Joint Director. Stating that he is senior to respondent nos. 3 and 4, the applicant filed this OA with a prayer to declare him senior most and to set aside the select list of Joint Director dated 15.06.2018. The applicant contends that at every stage of service, he was senior to respondent nos. 3 and 4 and without any basis the concerned authority has shown him lower in the seniority list.

2. On behalf of respondent nos. 1 and 2, counter affidavit is filed. It is stated that the applicant figured in the seniority list of Joint Director at serial no. 59 whereas respondent nos. 3 and 4 figure at serial nos. 38 and 43. It is also stated that the DPC considered his case as and when they were in the zone of selection and that the applicant was promoted on 21.04.2019. It is brought to our notice that the applicant as well as the respondent nos. 3 and 4 retired from service.

Item No. 21



3. Today we heard Mr. K.C. Mittal with Mr. Yugansh Mittal, learned counsel for the applicant, Mr. Ranjan Tyagi, learned counsel for respondent no. 1 and Mr. R.V. Sinha with Mr. Amit Sinha, learned counsel for respondent no. 5.

4. The grievance of the applicant is that he was denied promotion even while respondent nos. 3 and 4 were promoted to the post of Joint Director. In their counter affidavit, respondent no. 1 has categorically stated that the applicant figured at serial no. 59 whereas respondent nos. 3 and 4 figured at serial nos. 38 and 43 in the final seniority list dated 31.10.2017 for the feeder category. For the reasons best known to the applicant, he did not choose to challenge the final seniority list dated 31.10.2017. In the context of promotion, one cannot ignore the position in the feeder category.

5. Another important aspect is that the promotion to the post of Joint Director is by way of selection by DPC. Even if there is no issue about seniority one has to go by the selection by the DPC. Either way, the applicant cannot claim place above respondents 3 & 4. At any rate, all the three, i.e. applicant as well as respondent nos. 3 and 4 have retired from service. Nothing can be done at this stage.

Item No. 21



6. We do not find any merit in the OA and the same is accordingly dismissed.

There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/jyoti/ns/sd