

**Central Administrative Tribunal
Principal Bench**

OA No.584/2021



New Delhi, this the 16th day of March, 2021

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

1. Suresh Biswas, Age 46 years,
PMD Division,
Employees' State Insurance Corporation,
4th Floor, Indian Express Building,
Netaji Subhash Marg,
New Delhi-110002
Assistant Executive Engineer Group (A)
2. Vinay bakade, Age 44 years,
Flat No.402, Mangalmurti CHS,
Plot No.19, Sector-06, Khanda Colony,
New Panvel, Navi Mumbai-410206
Assistant Executive Engineer Group (A)
3. Yatesh Sharma, Age 43 years,
Plot No.278A, 2nd Floor, Sector-1,
Vaishali, Ghaziabad (UP)-201010
Assistant Executive Engineer Group (A)
4. G. Thangarasu, Age 45 years,
MF-36/3, ESIC Staff Qtrs.
3rd Cross Street, Nandini layout,
Bengaluru-560096
Karnataka,
Assistant Executive Engineer Group (A)
5. Sandeep Goel, Age 37 years,
D14/145, Sector-07, Rohini-110085
Assistant Executive Engineer Group (A)

- Applicants

(By Advocate:Sh. D.K. Gupta)

Versus



Union of India,
Through
Director General,
Employees' State Insurance Corporation,
Headquarter Office,
Panchdeep Bhawan, CIG Road,
New Delhi-110002

- Respondent

: O R D E R (ORAL) :

Justice L. Narasimha Reddy :

The applicant is working as Assistant Executive Engineer in the Employees State Insurance Corporation (ESIC). The next promotion is to the post of Executive Engineer.

2. The applicant contends that though there exist vacancies and he is qualified for the post, the respondents are not conducting the DPC, for the posts, referable to panel years 2018-19 and 19-20. He made a representation dated 26.08.2020 and complaining that no action has been taken thereon, he filed this OA.

3. Heard Sh. D.K. Gupta, learned counsel for the applicant, at the stage of admission.

4. The endeavour of the applicant is to convince or require the respondents to take steps for promotion to the post of Executive Engineer. Though the mere existence of vacancies



or availability of qualified candidates may not by itself, a factor to direct the respondents to convene the DPC, the circumstances under which the matter is being delayed, need to be addressed. The applicant had a legitimate expectation to be considered for promotion before it is too late.

5. We, therefore, dispose of the OA, directing the respondents to take the necessary steps for conducting the DPC for promotion to the post of Executive Engineer, or to indicate the reasons for not conducting the DPC at present through a communication, to be given within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/ns