



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1302/2021

This the 14th day of July, 2021

(Through Video Conferencing)

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

Sh. Vinod Kumar Tyagi, Aged 62 years,
S/o Shri Chhidda Singh Tyagi,
Retd. (AE Civil)
R/o 9/38A, Sector 3,
Rajender Nagar, Sahibabad,
Ghaziabad, UP-201005

- Applicant

(By Advocate: Mr. S.K. Tyagi)

Versus

1. The Commissioner,
North Delhi Municipal Corporation,
SPM Civic Centre,
Minto Road, New Delhi-110002

2. North Delhi Municipal Corporation,
Through Executive Engineer (M-II)
16, Rajpur Road, Civil Line Zone,
Delhi-110054

- Respondents

(By Advocates: Mr. RV Sinha with Mr. Amit Sinha and Mrs. Anupama Bansal)

ORDER (Oral)

Justice L. Narasimha Reddy:

The applicant joined the service of the respondent Corporation as Junior Engineer (Civil) in the year 1992. He was extended the benefit of higher pay scale w.e.f. 01.09.2002 vide order dated



30.07.2003. He was also promoted to the post of Assistant Engineer (Civil) on ad hoc basis. in the year 2006 and on regular basis in the year 2007. He retired from service on 30.04.2019.

2. The applicant submitted a representation to the respondents with a request to upgrade his salary under Time Bound Promotion Scheme (TBPS) on completion of 5/15 years of service. He submitted that though the TBPS was made applicable to him, he was not extended the benefit thereunder. The respondents issued a reply on that on 13.07.2020, stating that the applicant was imposed as many as 7 punishments, and on account of the currency of punishments, he was not extended the benefit under TBPS.

3. The applicant filed this OA, challenging the order dated 13.07.2020. He contends that the very purpose of TBPS is to extend the benefit, whether or not there existed vacancy and there was no justification for the respondents in denying him the benefit of TBPS.

4. We heard Mr. S.K. Tyagi, learned counsel for the applicant and Mr. R.V. Sinha and Mrs. Anupama Bansal, learned counsel for the respondents.

5. It is not in dispute that the applicant is covered by the TBPS on completion of 5/15 years of service. However, the extension of benefit thereunder is not automatic. It is only when the service of the employee is otherwise satisfactory and he is not undergoing any



punishment, that benefit can be extended. The applicant was imposed as many as 7 punishments between 1997 and 2008. There was continuous operation of the punishments. He cannot expect the benefit of TBPS under those circumstances.

6. We do not find any merit in the OA. It is accordingly dismissed. Pending MA also stands disposed of. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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