

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

(THIS THE 26<sup>RD</sup> DAY OF FEBRUARY 2010)

PRESENT

**HON'BLE MR. A.K. GAUR, MEMBER (J)**

**HON'BLE MR. D.C. LAKHA, Member (A)**

**ORIGINAL APPLICATION NO. 1297 of 2003.  
(U/S 19, Administrative Tribunal Act, 1985)**

Vijay Kumar Sharma, M.E.S No. 425520, aged about 42 years, S/o Sri Prem Singh Sharma, R/o 454/1, Foure Area, Air Force Station, Agra Khini, Fatehpur Sikri Road.

.....Applicant

By Advocate : Shri Pankaj Srivastava

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. The Engineer-In-Chief, E-in-Cs' Branch, Kashmir House, Rajaji Marg, New Delhi-110011.

.....Respondents

By Advocates : Shri R.D. Tiwari  
Shri R.K. Tiwari  
Shri H. Singh

**ORDER**

**DELIVERED BY HON'BLE MR. A.K. GAUR, MEMBER (J)**

We have heard Shri Pankaj Srivastava, learned counsel for the applicant and Shri H. Singh, learned counsel for the respondents.

2. Learned counsel for the applicant at the very outset invited our attention to the fact that in the similar and identical situation, the Division Bench of Tribunal sitting at Principal Bench in **O.A. No.1124 of 2005 (Shri Brahm**

✓

**Prakash Sharma and Ors. Vs. Union of India & Ors.)** has considered the grievance of the applicant and passed the order directing the respondents to consider the case of the applicant for promotion to the post of Assistant Engineer (Civil) by holding a review D.P.C, as eligible persons have been left out, applying the eligibility criteria of three years of regular service in the grade of Junior Engineer.

3. Learned counsel for the respondents fairly submitted that respondents be directed to consider the case of the applicant in the light of the decision rendered by the Principal Bench of the Tribunal in the case of Shri Brahm Prakash Sharma and Ors. Vs. Union of India and Ors. within a specified period of time.

4. Having heard counsel for the parties, we hereby direct the Competent Authority to consider the case of the applicant for promotion if he is otherwise found fit, in the light of decision of Shri **Brahm Prakash Sharma and Ors. (supra)** within a period of three months from the date of receipt of a certified copy of this order.

5. With the above direction the O.A. is disposed of with no order as to costs.

  
Member-A

  
Member-J

Manish/-