

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

25.02.2009

OA No. 470/2007

Mr. Amit Mathur, Counsel for applicant.
Mr. Praveen Purohit, Proxy counsel for
Mr. V.S. Gurjar, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 25th day of February, 2009

ORIGINAL APPLICATION NO. 470/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Dr. Chob Singh son of Late Shri Kamal Singh aged about 56 years, resident of Village Teeket (Klas), Post Bisawar District, Mathura, U.P. Presently working as Assistant Commissioner, Navodaya Vidhya Samiti, Regional Office, Jaipur.

.....APPLICANT

(By Advocate: Mr. Amit Mathur)

VERSUS

1. The Chairman, Navodaya Vidhya Samiti, New Delhi.
2. The Commissioner, Navodaya Vidhya Samiti, Administrative Block, I.G. Stadium, New Delhi.
3. The Deputy Commissioner, Navodaya Vidhya Regional Office, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Praveen Purohit proxy to Mr. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this OA thereby challenging the order dated 09.04.2007 (Annexure A/1) whereby he was informed that his case was duly considered by the DPC for promotion to the post of Assistant Commissioner in its meeting held on 21.07.2000, 01.09.2004 and 18.07.2005 but he was not recommended for promotion. It was further stated in that letter that the DPC in its meeting held on 29.09.2006 again considered him fit for promotion to the post of Assistant Commissioner. Since his case has been considered for promotion from time to time but not recommended by the duly constituted Committee, as such promotion was not given to him. Feeling aggrieved by the said order, he has filed this OA thereby praying for quashing the said order.

2. Notice of this application was given to the respondents. The respondents in Para No. 5 (B) of the reply have specifically stated that

the case of the applicant was duly considered by the DPC for promotion to the post of Assistant Commissioner in its meeting held on 21.07.2003, (the proceedings were kept in sealed cover and opened after completion of departmental proceedings) 16.09.2004 and 18.07.2005 but the applicant was not recommended for promotion by the Committee, since he was not found fit. It is further stated that the DPC in its meeting held on 26.09.2006 considered the applicant and found fit and the applicant was promoted to the post of Assistant Commissioner on 01.11.2006.

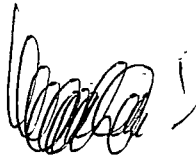
3. The applicant has not filed rejoinder thereby controverting the aforesaid plea taken by the respondents in the reply. The learned counsel for the applicant submits that the DPC in the aforesaid meeting has taken into consideration the record which form the basis for issuance of the charge sheet on 04.11.1996 till the same was withdrawn on 30.06.2004, as such, the case of the applicant has not been considered by the committee in the right perspective.

4. We have given due consideration to the submission made by the learned counsel for the applicant. The applicant has not set out this case in this OA in the manner as contended by him. Learned counsel for the applicant submits that he may be granted permission to withdraw this OA with liberty reserved to him to file substantive OA thereby challenging promotion of his junior made on the recommendation of the DPC by filing substantive OA.

5. In view of what has been stated above, the applicant is permitted to withdraw this OA with liberty reserved to him to file substantive OA for the aforesaid cause of action.

6. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ