

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH****O.A No.060/01019/2014****Date of decision: 01.04.2015****CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**
HON'BLE MR. UDAY KUMAR VARAM, MEMBER (A)

...
Ajain Singh Negi, Superintendent Grade-II, Post Graduate Government College, Sector 46, Chandigarh, R/o House No. 3009, Sector 23-D, Chandigarh.

...APPLICANT**BY ADVOCATE:** Mr. N.P. Mittal**VERSUS**

1. Union Territory, Chandigarh Administration, through its Secretary, Department of Education, U.T. Civil Secretariat, Sector 9-D, Chandigarh.
2. Director, Higher Education, Chandigarh Administration, U.T. Civil Secretariat, Sector 9-D, Chandigarh.

BY ADVOCATE: Mr. Arvind Moudgil

3. Smt. Vijay Laxmi, Administrative Officer, O/O District Education Officer, Sector 19, UT Chandigarh Administration

...RESPONDENTS**BY ADVOCATE:** None.**ORDER (ORAL)****HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-**

1. Despite several opportunities having been availed by the respondents No.1&2, no reply has yet been filed by them.
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Today again a prayer has been made to grant a week's further time for the purpose.

2. However, learned counsel for the applicant stated at the Bar that despite non-filing of the reply by respondents and challenge to appointment of respondent no.3 notwithstanding, the O.A. can be disposed of with issuance of a direction to the respondents to consider the claim of the applicant for promotion to the post of Administrative Officer, as he is the senior most person in the feeder cadre. There has been change of circumstances inasmuch as now respondent no.3 has retired and the post is even otherwise available.
3. By means of the present Original Application, the applicant has sought quashing of the order dated 21.10.2014 vide which respondent no.3 was promoted as Administrative Officer and for issuance of direction to the respondents to consider and promote him to the relevant post.
4. Learned counsel for the applicant has also drawn our attention to an information obtained under RTI Act, 2005, wherein a mention has been made that the applicant being senior most person, can be deputed as Administrative Officer in his own pay scale and therefore, learned counsel submits that the respondents may be directed to consider his case either for

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promotion or for deputing him on the post, in his own pay scale.

5. Mr. Arvind Moudgil, learned counsel appearing for respondents did not raise any objection to the disposal of the O.A. in the requested manner.

6. Considering the ad idem between the parties and without commenting anything on merits of the case, we dispose of this O.A. with a direction to the competent authority amongst the respondents to consider the claim of the applicant for giving him post of Administrative Officer, in the light of the above observations and pass necessary orders within a period of two weeks from the date of receipt of a certified copy of this order. A shorter time has been prescribed as the applicant is going to retire on 31.5.2015 itself.

7. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Place: Chandigarh.
Dated: 01.04.2015

HC*