

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH

**15. CP 060/00147/2014 & MA 060/01072/2014 IN O.A. No.  
060/00037/2014**

**(Amin Chand Vs. K.K. Sharma & Ors.)**

**05.11.2014**

Present: Sh. R.K. Sharma, counsel for the applicant.  
Sh. H.S. Sullar, counsel for the respondents.

1. Heard.
2. In pursuance of the order passed in favour of the applicant by this court, his case was considered by the respondents department for promotion to the post of Executive Engineer, Sh. H.S. Sullar, Advocate appearing on behalf of the respondents submitted that matter is still lying with the Administrator for its approval, therefore, order for promotion of the petitioner as such has not been issued till date and he seeks some more time to report the compliance of the order.
3. Considering that the meeting was held on 23.05.2014 and that case has been forwarded and pending with the Administrator, we see no reason to grant further time in this regard, to the respondents.
4. Sh. H.S. Sullar, learned counsel for the respondents requested that he be granted two/three days time so that actual benefit will be given to the petitioner. Granted.
5. List on 14.11.2014.

**(UDAY KUMAR VARMA)  
MEMBER (A)**

**(SANJEEV KAUSHIK)  
MEMBER (J)**

'JK' Compliance report  
not filed  
10/11  
**DHIRENDER SINGH**

9

CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH

**34. CP 060/00147/2014 & MA 060/01072/2014 in O.A. No.  
060/00037/2014**

**(Amin Chand Vs. K.K. Sharma & Ors.)**

**14.11.2014**

Present: Sh. R.K. Sharma, counsel for the petitioner.  
None for the respondents.

1. In the interest of justice, the hearing of the matter is deferred  
to 18.11.2014.

2. The respondents are directed to comply with the last order.

**(RAJWANT SANDHU)  
MEMBER (A)**

**(SANJEEV KAUSHIK)  
MEMBER (J)**

'jk'

10

**16.CP 060/00147/14 &**  
**MA 060/01072/14 in**  
**O.A. NO. 060/00037/14**

**Amin Chand Vs. K.K. Sharma & Others**

**18.11.2014**

Present: Mr. R.K. Sharma, counsel for the petitioner  
Mr. H.S. Sullar, counsel for the respondents

1. On 05.11.2014, this Court had passed the following order:-

"1. Heard.

2. In pursuance of the order passed in favour of the applicant by this court, his case was considered by the respondents department for promotion to the post of Executive Engineer, Sh. H.S. Sullar, Advocate appearing on behalf of the respondents submitted that matter is still lying with the Administrator for its approval, therefore, order for promotion of the petitioner as such has not been issued till date and he seeks some more time to report the compliance of the order.

3. Considering that the meeting was held on 23.05.2014 and that case has been forwarded and pending with the Administrator, we see no reason to grant further time in this regard, to the respondents.

4. Sh. H.S. Sullar, learned counsel for the respondents requested that he be granted two/three days time so that actual benefit will be given to the petitioner. Granted.

5. List on 14.11.2014."

2. On 14.11.2014, the matter was adjourned to 18.11.2014 on the request of the learned counsel for the respondents.

3. Today, Mr. H.S. Sullar, learned counsel for the respondents submitted that the Advisor to the Administrator being the Chief

Vigilance Officer, Chandigarh Administration has ordered a vigilance inquiry against the applicant on the basis of a complaint dated 'Nil'.

4. Learned counsel for the petitioner submitted that this is only a mechanism adopted by the respondents to deprive the petitioner from the relevant benefits. He further submits that such complaints have no sanctity as on the date the DPC was conducted, there was nothing against the petitioner and, therefore, the respondents have no right to withhold the promotion of the applicant on the basis of anything adverse which has developed subsequent thereto. In the context, our attention is drawn towards para 7 of the minutes of the Promotion Committee which is reproduced hereunder:-

"The Departmental Promotion Committee after examining all the requisite record and documents placed before it viz. ACRs, Vigilance Clearance, Integrity/work and conduct report etc. in respect of all the eligible officers and assessed Shri Amin Chand for promotion to the post of Executive Engineer (Public Health) as under:-

1. Sh. Amin Chand                      FIT"

5. Learned counsel submits that once the petitioner has been declared 'Fit' for promotion to the post of Ex. En. by the Departmental Promotion Committee, then withholding of his promotion by the respondents on one pretext or the other is tainted with malafide.
6. We have gone through the minutes of the DPC which clearly shows that the Committee, after examining all the record and documents like ACRs, Vigilance clearance, integrity/work and conduct report, has declared the petitioner fit for the relevant promotion and recommended his name therefor and only the approval is to be given by the Administrator.
7. Considering the above, we are left with no other option but to call for the relevant file wherein the respondents have dealt with such

L

complaints. The respondents are directed to file an affidavit also specifying therein the procedure to deal with such complaints, positively on or before 27.11.2014.

8. List on 27.11.2014.

9. A copy of this order be given **dasti** to the learned counsel for the respondents.

(UDAY KUMAR VARMA)  
MEMBER (A)

(SANJEEV KAUSHIK)  
MEMBER (J)

'mw'

*Dasti order prepared  
on 21/11/14. No body came  
to collect order on behalf  
of respondents.*

*Affidavit not filed.*

*25/11*

DHIRENDER SINGH