

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH  
CHANDIGARH**

**O.A. No.060/00853/2014      Decided on: 25.09.2014**

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)  
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Bikram Singh Gill S/o Shri Darshan Singh Gill, District Youth Coordinator, Nehru Yuva Kendra, Gurdaspur and resident of House No. 27-C, Street No. 1, Guru Amar Dass Avenue, Airport Road, Amritsar.

**.....Applicant**

**Versus**

1. Union of India through its Secretary to Government of India, Ministry of Youth Affairs and Sports, Shastri Bhawan, C-Wing, New Delhi.
2. Director General, Nehru Yuva Kendra Sangathan, 2<sup>nd</sup> floor, CORE-4, Scope Minar, Laxmi Nagar, Vikas Marg, Delhi -110092
3. Zonal Director (Pay/F.B. and Accounts Office) Nehru Yuva Kendra Sangathan, GT Karnal Road, Alipur, Delhi -110036.
4. Zonal Director, Nehru Yuva Kendra Sangathan, Punjab, Commonwealth Youth Centre, Sector 12, Chandigarh.

**.....Respondents**

Present: Mr. Harinder Sharma, counsel for the applicant

**Order (Oral)**

**By Hon'ble Mr. Sanjeev Kaushik, Member(J)**

1. Learned counsel for the applicant submits that the applicant was offered promotion to the post of Regional Coordinator (Deputy Director) on 07.07.2000(Annexure A-1). He made a request dated 31.07.2000 (Annexure A-3) to defer his promotion for none

months for the reasons stated therein. Vide order dated 16.08.2000(Annexure A-4), the applicant was informed that in case he fails to join on promoted post, his case for promotion will be considered only after a year or when the vacancy would arise whichever is later. Learned counsel contends that the persons junior to the applicant have been considered for promotion in the years 2007 and 2009 but the case of the applicant has not been considered.

2. Learned counsel further contends that on one hand the respondents had debarred him from promotion for one year and on the other hand he was not granted MACP benefit after completion of requisite service. He submits that the earlier the benefit of financial upgradation was granted to the applicant but subsequently the same was withdrawn without disclosing any reason and, thus, he is facing double jeopardy.
3. Learned counsel for the applicant further submits that the applicant served a legal notice dated 28.03.2014, followed by reminder dated 08.05.2014(Annexure A-12), against the inaction of the respondents, with a prayer to promote him to the post of Regional Coordinator (now designated as Deputy Director) w.e.f.29.06.2007 when his junior had been promoted, which are still pending. He makes a statement at the Bar that the applicant would be satisfied if a direction is issued to the respondents to

consider the legal notice (Annexure A-12) within a stipulated period.

- 4.** In view of the limited prayer of the applicant and for the order which we propose to pass, there is no need to issue notice to the respondents and call for their reply. Moreover, the respondents have not yet taken a view on the representation, which they are bound to do as per the Section 20 of the Administrative Tribunals Act, 1985, therefore, no prejudice would be caused to them by non-issuance of notice and in any case a litigant is expected to firstly avail of the departmental remedy and then approach this Tribunal.
- 5.** Accordingly, the O.A. is disposed of, without going into the merits of the case, with a direction to the Respondent No. 4 to consider the legal notice (Annexure A-12) and take a view in accordance with law, within three months from the date of receipt of a copy of this order. The decision taken by the respondents shall be communicated to the applicant.
- 6.** No costs.

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

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

**PLACE: Chandigarh**  
**Dated: 25.09.2014**  
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