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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00082/2014

Date of Decision : 21.04.2014

CORAM: **HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER**
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER

M.C. Joshi, s/o late Damodar Joshi, resident of House no.703/2, Sector 36-B, Chandigarh.

...
Applicant

Versus

1. Union of India, through Secretary, Ministry of Home Affairs, Government of India, New Delhi-110001.
2. The Joint Secretary (PM), Ministry of Home Affairs, Govt. of India, Jaisalmer House, Man Singh Road, New Delhi-110003.
3. The Director-cum-Chief Forensic Scientist, Directorate of Forensic Science, Ministry of Home Affairs, Government of India, Block No.9, 8th Floor, CGO Complex, Lodhi Road, New Delhi-110003.
4. The Director, Central Forensic Science Laboratory, Directorate of Forensic Science, Ministry of Home Affairs, Government of India, Sector 36-A, Chandigarh.

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Respondents

Present: Mr. Arvind Moudgil, counsel for the applicant
Mr. Ashwani Kumar Sharma, counsel for the respondents

O R D E R (Oral)
BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

"8 (i) The respondents may be directed to conduct the DPC meeting within one month and consider the applicant for promotion to

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the post of GEsQD w.e.f. 01.08.2012 as the vacancy became available for applicant's promotion from 01.08.2012 as per the prevailing Recruitment Rules on that date i.e. 01.08.2012.

(ii) The respondents may be directed to release all the consequential benefits after promotion as GEsQD along with interest @ 18% per annum."

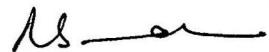
2. Brief facts of the matter are that the applicant joined the respondent Department on 01.06.1985 and was promoted as Deputy Government Examiner of Questioned Documents (Dy.GEsQD) on 27.09.2007. The next post for which the applicant would be eligible for promotion is that of Government Examiner of Questioned Documents (GEsQD). One post of GEsQD fell vacant w.e.f. 01.08.2012 on superannuation of Shri Mohinder Singh, GEsQD, Hyderabad on 31.07.2012. The applicant requested the Head of Department through proper channel vide his representation dated 21.08.2012 (Annexure A-6) for promotion to the post of GEsQD and the same was duly forwarded to the Head Office i.e. Director, CFSL, Chandigarh vide letter No.1/25013/GE/85(1)/P-1/3152-53 dated 24.08.2012 (Annexure A-7). Representations were also submitted on 01.10.2012 (Annexure A-8) and later on 13.05.2013 (Annexure A-9) when it was expected that another post of GEsQD would fall within 30.06.2013 on the superannuation of Dr. B.A. Vaid, Shimla. Respondent no.2 vide letter No.DFSS/4/28/2012/1904 dated 30.10.2013 (Annexure A-14) informed respondent no.3 that two Dy. GEsQD who are under the zone of consideration for promotion to the post

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of GEQD under DFSS Cadre, have submitted their representations against the below benchmark grading in their ACRs/APARS. Therefore, the DPC proposed to be submitted to the UPSC for promotion to the post of GEQD is pending awaiting the final decision on these representations and the finalized DPC proposal will be submitted to the UPSC after this issue is settled. A copy of the letter No.DFSS/4/28/2012/1904 dated 30.10.2013 is annexed as Annexure A-14. The DPC has not been held till date and averment has been made that the applicant is being denied his legitimate claim of being considered for promotion and is also losing financially. Hence this OA.

3. It has also been stated in the OA that the respondents are in the process of notifying new Recruitment Rules for various posts in the Department including the post for which the applicant is to be promoted and hence it has been requested that the posts that fell vacant prior to the amendment of Rules be filled in accordance with the Rules in force when the vacancies arose, keeping in view the directions of the Apex Court in Y.Y. Rangaiah and Ors. Vs. J. Sreenvasa & Ors. (1983) 3 SCC 284.

4. Till date, written statement has not been filed on behalf of the respondents and even today, Mr. Ashwani Kumar Sharma, Advocate, appearing on behalf of the respondents requested for further time to file written statement.



5. When the matter came up for consideration today, learned counsel for the applicant submitted that since the applicant has only sought relief that the DPC for consideration of eligible persons for promotion to the post of GEQD be held, he will be satisfied if the direction is issued to the respondents to convene the DPC and effect the promotions of the persons recommended in a time bound manner.

6. We are of the view that the submission made by the learned counsel for the applicant is reasonable and written statement is not required to be filed in the matter. As the consideration of eligible persons for promotion as GEQD has been inordinately delayed as one post has been vacant since 01.08.2012, OA is accordingly disposed of with the direction to respondents no.1 & 2 to ensure that the meeting of DPC for making recommendations for filling the vacant post of GEQD is held within two months from the date of receipt of a certified copy of this order being served upon them. Needless to mention eligibility of persons in the zone of consideration for promotion as GEQD has to be considered in accordance with the RRs applicable on the date when the vacancy of GEQD arose.

(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

Place: Chandigarh
Dated: 21.04.2014
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