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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No. 060/00128/2014

Date of decision- 31.01.2017

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

...
Jagdish Pal S/o Sh. Shankar Ram, aged 52 years,
Working as Assistant, O/o Passport Office,
Amritsar.

...APPLICANT

BY ADVOCATE : Sh. Rohit Seth

VERSUS

1. Union of India,
Through the Secretary to Government of India, Ministry of
External Affairs,
CPV Division, Patiala House,
Tilak Marg, New Delhi.
2. Joint Secretary (CPV), Ministry of External Affairs,
Govt. of India, South Block, New Delhi.
3. The Controller of Accounts,
Ministry of External Affairs, Jawahar Lal Nehru Bhawan
Janpath, New Delhi.
4. Passport Officer, Passport office, Jalandhar, Ambika Towers,
2nd-3rd Floor, 14 Police Line Road,
Jalandhar-144001.
5. The Passport Officer, Passport office, Amritsar, S.C.O. No.
110, Ra Tower, District Shooping Centre,
Ranjit Avenue, Amritsar.

...RESPONDENTS

BY ADVOCATE: Sh. Sanjay Goyal.

ORDER (ORAL)HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant is aggrieved against the order dated 24.07.2013 read with order dated 29.08.2012 whereby the applicant was promoted as Assistant w.e.f. 09.03.2012 instead of 09.01.2009 when his juniors were so promoted.
2. The facts are not in dispute. The applicant initially joined the respondent department on 07.10.1982 as Peon. During his service career, he was promoted to the LDC on 18.08.1988 and then as UDC on 19.10.2001. The applicant was placed at S. No. 375 in the seniority list of UDC and his junior namely Sh. B. Gopal was placed at S. No. 404 against which he is seeking parity. The applicant was absent from duty w.e.f 20.05.2004 to 29.08.2007 but that period was regularized subsequently vide order dated 17.03.2009. It is the case of the applicant that for next promotion to the post of Assistant, DPC was held on 31.10.2008 and his name was not considered whereas persons junior to him were considered and promoted to the post of Assistant (Grade V) as per select list dated 09.01.2009. Thereafter, an FIR was registered against the applicant and he was placed under suspension vide order dated 09.09.2009. Ultimately, the applicant was exonerated from all the charges leveled against him vide order dated 16.03.2012. Consequent upon, he was also promoted to the post of Assistant w.e.f 09.03.2012. Thereafter, the applicant submitted a representation requesting therein for grant of promotion to the above post from due date when his juniors were promoted in the DPC held on 31.10.2008, but the same was rejected vide order dated 23.07.2013.

3. In support of above, Sh. Rohit Seth, learned counsel for the applicant submitted that since he was not having three ACRS, therefore, the respondents were required to consider NRC for that period. Since, they have not considered the NRC for that period, therefore, direction be issued to them to consider the claim of the applicant a fresh for promotion to the post of Assistant by considering the NRC.

4. The respondents have also filed written statement and have also produced the record for perusal of the Court.

5. Sh. Sanjay Goyal, learned counsel for the respondents apprised this court that when DPC was held on 31.10.2008, name of the applicant was considered along with other persons and his name was at S. No. 36 against which they have recorded that he is not having three ACRs for the period of 2004-2005, 2005-2006 and 2006-2007 and after considering the NRC for these periods, the applicant was found unfit and was not promoted from an earlier date, therefore, the ground as raised by the applicant that NRC was not considered in his case is vanished.

6. As the stand in written statement is otherwise but after perusal of the record and the submissions made by the counsel for the respondents, we are in agreement with counsel for the respondents that O.A deserves dismissal as case of the applicant was considered in DPC held on 31.10.2008 for promotion to the post of Assistant but he was found unfit for the post which is also on record. In view thereof, we see no reason to interfere with well reasoned order and accordingly, present O.A is dismissed. No costs.

(UDAY KUMAR VARMA)

MEMBER (A)

Dated: 31.01.2017

'jk'

(SANJEEV KAUSHIK)

MEMBER (J)