

**Central Administrative Tribunal  
Principal Bench**

**OA No.97/2017**

New Delhi, this the 10<sup>th</sup> day of January, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Ms. Nita Chowdhury, Member (A)**

Abhijit Bhowmick,  
Age about 59 years,  
Group 'A'  
S/o Sh. Anil Bandhu Bhowmick,  
Working as Deputy Director (Admn.)  
National Power Training Institute (NPTI),  
Sector-33, Faridabad, Haryana,  
R/o Staff Quarter No. 405, Type-4,  
NPTI Complex, Sector-33,  
Faridabad, Haryana

- Applicant

(By Advocate : Shri Gaya Prasad)

Versus

Union of India through

1. Secretary (Power)  
Ministry of Power, Govt. of India,  
Shram Shakti Bhawan,  
New Delhi.
2. Director General,  
National Power Training Institute,  
(Ministry of Power, Govt. of India)  
Sector-33, Faridabad, Haryana
3. Director (F&A)  
National Power Training Institute,  
(Ministry of Power, Govt. of India)  
Sector-33, Faridabad, Haryana

- Respondents

**: O R D E R (ORAL) :**

**Justice Permod Kohli, Chairman:**

This Application has been filed challenging the orders dated 05.02.2015, 15/16.04.2015 and 14/15.12.2015 passed by the respondents declining the representation of the applicant for his retrospective promotion from the date he became eligible on completion of five years residency period in the grade of Assistant Director (Finance).

2. The grievance of the applicant is that he has completed five years of service as Assistant Director (Finance) on 04.01.2010, and thus became eligible for promotion to the post of Deputy Director (Finance). However, on account of downgrading of his ACRs, he was denied that promotion. It is, however, admitted case that the ACRs of the applicant were upgraded and he was granted promotion to the post of Deputy Director (Admn.) w.e.f. 22.10.2014. Regarding his claim for retrospective promotion from the date he became eligible, it is stated in the impugned order that no vacancy was available as the vacancy had been abolished. This position is not disputed in the OA.

3. Learned counsel for the applicant submits that the abolition was on account of malafide. The abolition order is not under challenge before us. Thus, in absence of availability of vacancy, the prayer of the applicant for retrospective promotion from an earlier date cannot be considered. At this stage, learned counsel for the applicant submits that he may be allowed to withdraw this OA with liberty to file a fresh one so as to enable him to challenge the abolition order as well. Prayer is allowed.

4. The OA stands dismissed as withdrawn.

**(Nita Chowdhury)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

/pj/