

Central Administrative Tribunal Principal Bench, New Delhi

**O.A.No.490/2017
M.A.No.501/2017**

Friday, this the 10th day of February 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Dr. Kamal Jeet Singh, aged about 44 years
s/o Mr. Jiwan Singh
working as Specialist Grade I (Medicine)
At Polyclinic Ramesh Nagar, North Delhi Municipal
Corporation, Delhi – 15
r/o Flat No.89, DDA Flats, Shri Keshav Kunj
Appts Sector – 17, Pocket D, Dwarka,
Delhi – 78
2. Dr. Gulvinder Singh Jolly, aged about 51 years
s/o Mr. Kulwant Singh Jolly
Working as Specialist Grade I (Medicine)
At Rohini Polyclinic
North Delhi Municipal Corporation
R/o 15/21-A, Tilak Nagar
New Delhi – 18

..Applicants

(Mr. S M Garg, Advocate)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner
SPM Civic Centre, JLN Marg
Minto Road, New Delhi -2
2. The Additional Commissioner (Establishment)
North Delhi Municipal Corporation
Central Establishment Department
13th Floor, SPM Civic Centre, JLN Marg
Minto Road, New Delhi -2
3. The Administrative Officer (Establishment)
North Delhi Municipal Corporation
Central Establishment Department
13th Floor, SPM Civic Centre, JLN Marg
Minto Road, New Delhi -2

..Respondents

(Mr. R N Singh, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

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M.A. seeking joining together in a single petition is allowed.

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Notice.

2. Mr. R. N. Singh, learned counsel appears and accepts notice on behalf of the respondents.

3. The applicants are claiming promotion from the date their junior one Dr. Ram Sharma was promoted. They made a representation dated 13.10.2014 for antedating their promotion with effect from the date their junior named above was promoted. The representation has been rejected vide order dated 04.04.2016 with the following observations:-

“(9) In view of the facts and circumstances stated as above, claim and the request of the said applicants Dr. Gulvinder Singh Jolly and Dr. Kamaljeet Singh, Specialist Grade-I (Medicine) for antedating of promotions vide their application dated 13.10.2014 was placed before the competent authority and rejected. Accordingly, the medical officer concerned informed.”

4. From the perusal of the impugned order, we find that despite giving the factual background no reason whatsoever has been recorded for declining the prayer of applicants and rejecting their representation. The order is not sustainable in law being totally devoid of any reasons, which indicates non-application of mind.

5. It is settled law that even in administrative action, which affects the civil rights of a person, the competent authority must apply its mind to all

the facts and circumstances and pass a reasoned and speaking order. The order sans the reasons and is hereby set aside. The matter is remitted back to the competent authority to pass a fresh reasoned order within a period of two months from the date of receipt of a copy of this order.

6. The O.A. stands disposed of. No costs.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

February 10, 2017
/sunil/