

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1482/2014

New Delhi, this the 19th day of August, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

1. Naresh Kumar Yadav,
Senior Draftsman,
Transfer Posting,
S/o Sh. Maha Singh Yadav,
R/o H. NO.377, Sector 10A,
Gurgaon-122001.

2. Deleted vide order dated 02.05.2014.

.. Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Union of India & Anr. through:

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. The Director General,
CPWD, Nirman Bhawan,
New Delhi.

.. Respondents

(By Advocate : Shri Subhash Gosain)

ORDER (ORAL)

Heard the learned counsel for both sides.

2. The applicant prays that in a similar case bearing O.A. No.1600/2014 filed by one Shri Dharm Pal, the applicant therein was given an option to forgo his promotion for one year, as a result, the matter became infructuous and the O.A. was closed and this was an order passed with the consent of both the parties.

2. In the present case also, I find that on 31.07.2015, the applicant had sought leave of this court to file application before the concerned authority for forgoing his promotion and retention in the same place. However, no order was passed.

3. Learned counsel for the respondents points out that as per the policy, when a Govt. servant does not want to accept promotion, he may make a written request to be considered by the appointing authority taking relevant aspects into consideration. The appointing authority may refuse the request of the officer to forgo promotion, in case the reasons assigned are not found acceptable and that the appointing authority should, in fact, even consider disciplinary authority to disobey the order.

4. Be that as it may, in view of order passed in O.A. No.1600/2014 and prevalent practice in the Govt., in case the applicant is ready to forgo his promotion, as stated by the learned

counsel, this O.A. is disposed of, with a direction to the respondents to permit the applicant to forgo his promotion and retain him at the same place where he is posted. Time frame fixed for compliance of this order is 90 days from the date of receipt of certified copy of this order. No costs.

(P.K. Basu)
Member(A)

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