

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P. No.799/2015 in O.A. No.4678/2014

Monday, this the 29th day of January 2018

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

Smt. Reena Tandon
Aged about 43 years
w/o Shri Vijay Narain Tandon
r/o House No.A-19E
DDA Flats, Munirka, New Delhi – 110 067

..Applicant

(Mr. A K Behera, Advocate)

Versus

1. Sh. G Mohan Kumar
Secretary
Union of India
Ministry of Defence
Govt. of India
South Block, New Delhi – 110 001
2. Mrs. Veena Prasad
Controller General of Defence Accounts
Ulan Batar Road, Palam
Delhi Cantt. 110 010
3. Sh. T Jacob
Secretary
UPSC, Dholpur House
Shahjahan Road
New Delhi – 110 011

..Respondents

(Mr. Rajeev Kumar, Advocate for respondent Nos. 1 & 2,
Mr. R N Singh and Mr. R V Sinha, Advocates for respondent No.3)

O R D E R (ORAL)

Justice Permod Kohli:

Vide judgment dated 07.09.2015, following directions were issued:-

“6. In the wake, once there is change in the ACR of the applicant to be taken into account to consider her promotion to SAG, her case should be reconsidered for such promotion by convening reviewing DPC within a period of 3 months from the date of receipt of a copy of this order. It goes without saying that review DPC would assess the candidature of the applicant in accordance with the extant rules and instructions on the subject and would take into consideration the ACR pertaining to the report period, immediately preceding the one, ACRs for which were taken into account by original DPC.”

2. The aforesaid judgment was challenged before the Hon'ble High Court of Delhi and the Writ Petition filed by the respondents was dismissed. An SLP filed thereagainst has also resulted in dismissal. Learned counsel for respondent Nos. 1 & 2 has produced a copy of order dated 19.01.2018. The extract of the order reads as under:-

“The Competent Authority has decided to transfer Smt. Reena Tandon, IDAS, Addl. CDA serving in the O/o CDA (Air Force), New Delhi as integrated Financial Adviser (IFA), Project Varsha, New Delhi on promotion to the Senior Administrative Grade (SAG) in the pay scale of Rs.37400-67000/- with grade pay of Rs.10000 (pre-revised) on notional basis w.e.f. the date of promotion of her immediate junior i.e. 25.9.2014 and on actual basis w.e.f. the date of assumption of charge of the post, and until further orders as approved by the Appointments Committee of the Cabinet vide DOP&T, Secretariat of the ACC No.12/31/2014-EO (SM.II) dated 15.12.2017. Therefore, the officer may be relieved with the directions to assume charge of the new post as indicated above immediately, provided the officer is not involved in any disciplinary/criminal case.”

3. From the perusal of the aforesaid order, it appears that the directions issued by the Tribunal stand complied with and the applicant has been promoted to the Senior Administrative Grade with effect from the date his immediate junior was promoted, i.e., 25.09.2014 but the actual financial benefits of promotion have been given from the date of his joining the post. However, Mr. A K Behera, learned counsel for applicant submits that the said order does not fully comply the directions. According to him, the

applicant is entitled to full back-wages from the date his immediate junior was promoted, which has been denied to him.

4. From the perusal of the order passed by the Tribunal, we find that the only direction issued was to hold a review DPC and consider the claim of the applicant. That having been complied with, no further directions are required. If the applicant is aggrieved of the conditions incorporated in the order dated 19.01.2018, she is at liberty to seek remedial measures in accordance with law.

5. With these observations, the contempt proceedings are dropped.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

January 29, 2018
/sunil/