

**Central Administrative Tribunal  
Principal Bench**

**OA No.983/2017**

New Delhi, this the 29<sup>th</sup> day of March, 2017

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

A.C. Mathur, Executive Engineer (Civil)  
Group 'A', (age about 56 years)  
S/o Shri Gopal Chandra Mathur  
R/o E-2/7, Radio Colony, Kingsway Camp  
Delhi-110009. ..Applicant

(By Advocate: Shri M.K. Bhardwaj)

**Versus**

1. Union of India through its Secretary  
Ministry of Information & Broadcasting  
A-Wing, Shastri Bhawan, New Delhi.
2. Prasar Bharti through its Chief Executive Officer  
Prasar Bharti Bhawan, Copernicus Marg  
New Delhi.
3. The Director General  
All India Radio, Sansad Marg, New Delhi.
4. The Chief Engineer  
C.C.W. All India Radio  
6<sup>th</sup> Floor, Soochna Bhawan  
C.G.O. Complex  
New Delhi.
5. Union Public Service Commission  
Through its Secretary  
Shahjahan Road, New Delhi. ..Respondents

**ORDER (ORAL)**

**Justice Permod Kohli, Chairman :-**

Heard.

2. Notice. Shri Gyanendra Singh, Shri S.M. Arif and Shri R.V. Sinha, learned counsel, appear and accept notice on behalf of respondent No.1, Respondent Nos.2 to 4 and respondent No.5 respectively.

3. The applicant is working as Executive Engineer(Civil) in Civil Construction Wing, All India Radio. His claim is that he was eligible for promotion to the post of Superintending Engineer(Civil) when the case of one Shri R.B. Sinha was considered for promotion. Vide order dated 10.08.2016 promotion was granted to Shri R.B. Sinha as Superintending Engineer(Civil) against a vacant post. It is further stated that even at that time another vacancy of Superintending Engineer(Civil) was available but despite that, the applicant, who is next to Shri R.B. Sinha in the seniority list, has been ignored. The applicant relies upon various DOP&T instructions issued from time to time. The last being OM No. 22011/1/20011-Estt. (D) dated 11.03.2011. The applicant has also relied upon the judgments of the Apex Court in case of ***Union of India and Others v. N.R. Banerjee and Others*** AIR 1997 SC 3761, ***Major General H.M. Singh, VSM v. Union of India and Anr.*** Civil Appeal No.192/2014 and ***Union of India v. Central Administrative Tribunal*** C.W. 7073/2001 (High Court of Delhi) and ***Dr. Sahadeva***

***Singh v. Union of India*** W.P.(C) 5549/2007 (High Court of Delhi)

4. The applicant has also made representation dated 15.03.2017 to Respondent No.2.

5. In view of the above circumstances, this Original Application is being disposed of at the admission stage itself without considering the merits of the controversy with a direction to respondent Nos. 3 and 4 to take decision on the representation of the applicant in accordance with rules within a period of two months from the date of receipt of a copy of this order. Needless to say that the disposal shall be by a reasoned and speaking order. While according consideration, all the relevant instructions and judgments, relied upon by the applicant, shall be taken note of.

**( K.N. Shrivastava )**  
**Member(A)**

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

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