

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 2821/2015
O.A. No. 1877/2012

New Delhi, this the 21st day of September, 2015.

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)**

K.S. Bhardwaj .. Applicant

(By Advocate : Shri Arun Nischal for M/s Nischal & Asso.)

Versus

Ministry of Defence & Anr. .. Respondents

(By Advocate : Shri Rattan Lal with Shri Akhil Chaudhary)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. This Tribunal disposed of the O.A. No.1877/2012 by order dated 20.02.2014 and the operative portion of the said order is as under:

“12. In the light of the above discussions, we hold that non-inclusion of the name of the applicant in the extended Select List-2003 prepared by the DoP&T for promotion to the grade of Assistant, vide O.M. dated 14.7.2009, and consequential non-consideration of his case by the Departmental Promotion Committee and/or by the competent authority are not in accordance with the DoP&Ts O.M.No.22011/4/98-Estt.(D) dated 12.10.1998. We further hold that the applicant is entitled to be considered for promotion on

notional basis to the grade of Assistant with effect from the date of promotion of his next junior, who was appointed to the grade of UDC in the year 1991. As a consequence, the impugned order (Annexure A-1) is quashed, and the Respondents are directed to hold review DPC and consider the case of the applicant for promotion on notional basis to the grade of Assistant with effect from the date of promotion of his next junior, who was appointed to the grade of UDC in the year 1991. It is also directed that if the DPC finds the applicant fit for promotion, he shall be so promoted on notional basis and granted consequential benefits. The respondents shall comply with the directions contained in this order within a period of six months from the date receipt of copy of this order.

13. In the result, the Original Application is allowed as above. No costs."

3. Complaining non-implementation of the aforesaid orders, the applicant preferred CP No.656/2014. Since the respondents passed the orders (Annexure MA-1 Colly.) and in view of the submission made by both the counsels in the CP that the orders of this Tribunal have been fully complied with, the CP was closed by order dated 07.07.2015.

4. The applicant now filed the present MA No.2821/2015 seeking to revive the CP 656/2014 alleging that the consequential benefits have not been paid to the applicant.

5. Shri Rattan Lal, the learned counsel appearing for the respondents filed his reply to the MA stating that they have fully complied with the orders of this Tribunal and also paid the consequential benefits and the applicant has also received the

cheque in this regard, and enclosed the relevant documents to this effect along with the reply.

6. In the circumstances and in view of the compliance of the orders of this Tribunal, nothing survives in the MA, and accordingly, the same is dismissed.

(SHEKHAR AGARWAL)
Member (A)

(V. AJAY KUMAR)
Member (J)

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