

**Central Administrative Tribunal
Principal Bench**

OA No.1812/2016

New Delhi, this the 24th day of May, 2016

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

P. K. Vashishta
Aged 61 years,
S/o Late M. S. Vashishtha
Regional Labour Commissioner (Central) (Retd)
Flat No.185, Shubham Apartments,
Pocket 4, Sector 12, Dwarka,
New Delhi 110 078.

.... Applicant.

(By Advocates : Shri G. P. Bhatia)

Versus

1. Union of India through
The Secretary
Ministry of Labour and Employment,
Shram Shakti Bhawan,
Rafti Marg,
New Delhi 110 001.
2. The Secretary
Union Public Service Commission
Dholur House, Shahjahan Road,
New Delhi 110069.
3. The Secretary
DoP&T,
North Block,
New Delhi 110 001.

..... Respondents.

(By Advocate : Shri M. K. Bhardwaj)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

Heard.

2. Issue notice to the respondents. Shri Hanu Bhaskar, learned standing counsel appears and accepts notice on behalf of the respondents.
3. The applicant was serving as Assistant Labour Commissioner (Senior Time Scale) in the Central Labour Service. He was due for promotion to the next higher grade of Deputy Chief Labour

Commissioner (Junior Administrative Grade) against the vacancies of 2014-2015.

4. It is the case of the applicant that no DPC was held during the vacancy year 2014-15 and he retired from service on 31.12.2014. The DPC was, however, held in May 2015 whereby persons junior to the applicant were promoted. It is submitted that had the DPC held during the vacancy year, the applicant who was otherwise eligible and qualified in all respects, would have earned promotion to the JAG, and it was only on account of inaction on the part of the respondents that the applicant has suffered. The applicant has placed on record copy of the promotion order dated 28.05.2015.

5. From the above order, it appears that officer at Sl. No.5, K. K. H. Syam Sunder has been promoted from STS to JAG of CLS on regular basis. From the seniority list, it appears that the applicant was immediately above said Shri K. K. H. Shyam Sunder. This Application has been accordingly filed seeking a direction for granting promotion to the applicant from the date his junior was promoted.

6. The applicant has made a representation dated 02.12.2015 (Annexure A-10) followed by a reminder dated 01.02.2016. However, neither any response has been given, nor the said representation has been disposed of as yet.

7. In view of the above circumstances, this OA is disposed of with direction to respondent No.1 to dispose of the aforesaid representation of the applicant within a period of three months from the date of receipt of copy of this order. In the event, claim of the applicant is to be rejected, the same shall be by a reasoned and speaking order.

(K. N. Shrivastava)
Member (A)

(Permod Kohli)
Chairman

/pj/