

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1910/2013

Order Reserved on: 03.02.2016
Order pronounced on 19.02.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri V. N. Gaur, Member (A)

E. Nagachandran
S/o Shri P. Easwaran
Deputy Director, Research and Analysis Division
Ministry of Corporate Affairs
B-1 Wing, 2nd Floor, Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi – 110 003. ... Applicant

(Applicant in person)

Versus

Union of India
Through the Chief Statistician of India and Secretary
Ministry of Statistics and Programme Implementation,
Sardara Patel Bhawan, Sansad Marg
New Delhi – 110 001. ... Respondent

(By Advocate: Shri R.N.Singh)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, a Deputy Director in respondent-Ministry of Statistics and Programme Implementation, filed the OA seeking the following relief(s):

"8.1. to allow the present application;

8.2. to quash and set aside the impugned Orders dated 15.01.2013 (Annexure : A-1) in its entirety;

8.3. to direct the Respondent:

- (a) To open the sealed cover wherein the recommendations of the Review Departmental Promotion Committee dated 07.09.2011, pursuant to the original Departmental Promotion Committee dated 24.11.2010 (Annexure:A-2) have been illegally placed;

or in the alternative

- (b) To hold the meeting of the Review Departmental Promotion Committee to cure the illegalities committed by the original Departmental Promotion Committee dtd 24.11.2010 (Annexure:A-2).

8.4. to direct the Respondent to take appropriate action against the persons who had illegally targeted the Applicant and were instrumental in illegally denying the Applicant the promotion to the Junior Administrative Grade of the Indian Statistical Service;

8.5. to allow exemplary costs of the application; and

8.6. to issue any such and further order/directions this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case."

2. Heard Shri E. Nagachandran, the applicant in person and Shri R.N.Singh, the learned counsel for the respondents, and perused the pleadings on record.

3. In view of certain developments took place in respect of the consideration of the case of the applicant for promotion since the date of filing of the OA, the respondents' counsel was permitted to file a short affidavit to bring the up-to-date facts on record. Accordingly, the respondents have filed an additional reply affidavit on 08.01.2016.

4. The main grievance of the applicant, in this OA, is that the consideration of his case for promotion was deferred by the DPC held on 24.11.2010, on the illegal ground of non-availability of ACR/APAR for certain years, and though in DPC meeting held on 07.09.2011, the case of the applicant was considered but kept the recommendations in a sealed cover, again, on another illegal ground of pendency of major penalty chargesheet against him, and accordingly, he prayed for a direction to open the sealed cover or alternatively to hold a review DPC to cure the illegalities committed in the earlier DPC dated 24.11.2010.

5. The respondents vide their additional reply affidavit dated 08.01.2016 submitted that in view of the directions of the Cabinet Secretary, who is the Chairman of the ISS Board, the respondents consulted DoPT and basing on the consequential opinion of the DoPT, a review DPC was convened on 11.09.2015 and considered the case of the applicant for promotion to JAG, as per Rules, and the file is now pending for approval of ISS Board.

6. The learned counsel for the respondents, on instructions, while stating that final orders would be passed within six weeks, submitted that in view of conducting the review DPC on 11.09.2015 and the consideration of the case of the applicant for promotion to the JAG, the OA has become infructuous and is liable to be dismissed.

7. In the circumstances and in view of the substantial granting of the OA relief by the respondents, we dispose of the OA by directing the respondents to take a final view on the recommendations of the review DPC held on 11.09.2015 in respect of the case of the applicant for promotion to JAG, and to pass appropriate orders thereon within six weeks from the date of receipt of a copy of this order. In the circumstances, the parties shall bear their own costs.

(V. N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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