

**Central Administrative Tribunal
Principal Bench**

OA No.1928/2014

Order Reserved on: 21.03.2018
Order Pronounced on: 23.03.2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

A.K. Chohdda (aged 66 years)
(Retd.) Dy. Director General (S) DGS&D,
Department of Commerce (Supply Division)
S/o late Shri V.P. Chohdda,
R/o 332, Pocket-C, SFS, Triveni Apartments,
Sheikh Sarai Phase-I, New Delhi-110017

- Applicant

(By Advocate: Mr. Santosh Kumar)

Versus

1. Secretary,
Department of Personnel and Training,
North Block, New Delhi-110011
2. Secretary (Commerce)
Ministry of Commerce,
Govt. of India, Udyog Bhawan,
New Delhi-110011
3. Secretary,
Department of Industrial and Promotion,
Udyog Bhawan, New Delhi-110011
4. Secretary,
Department of Agriculture & Co-operation,
Krishi Bhawan, New Delhi-110001
5. Director General (Supplies & Disposals)
Directorate General of Supplies & Disposals,
Jeevan Tara Building, 5, Parliament Street,
New Delhi-110001
6. Director (E-1)
(RR Division)
Department of Personnel and Training,
North Block, New Delhi-110011
7. Pay and Accounts Officer (Supply Division)
Department of Commerce (Supply Division)
16, Akbar Road Hutments,
New Delhi-110011
8. Central Pension Accounts Officer,
Trikoot-2,

Bhikaji Cama Place,
New Delhi-110066

- Respondents

(By Advocate: Mr. HK Gangwani)

ORDER

Ms. Nita Chowdhury, Member (A):

OA No.1928/2014 was heard on 21.03.2018 and orders on the same were reserved.

2. While going through the counter reply, it is found that the respondents have raised the following preliminary objection:-

“16. Union Public Service Commission has filed WP(C) No. 2877/2012 in Hon’ble High Court of Delhi (Annex. R-11) against the applicant and others challenging order dated 14.09.2011 of Hon’ble Tribunal, Principal Bench, New Delhi in OA No.3067/2010. The matter is still pending its decision. The outcome of this case has bearing on the date of promotion of the applicant to the post of DDG(S) and also his eligibility for NFU to the grade of HAG of ISS.

3. In this regard, the Hon’ble High Court has passed the following order dated 16.05.2012 in WP (C) No. 2877/2012:-

“Issue notice. The respondent No.1 is present in person. He accepts notice. Notice is also accepted by the learned counsel for the respondents 2 to 5. A copy of the paper book be supplied to the respondent No.1 within three days. The respondents may file their counter-affidavits within four weeks thereafter and the rejoinder-affidavits, if necessary, be filed within four weeks thereafter.

Renotify 04.12.2012.

In the meanwhile, there shall be stay of operation of the order dated 14.09.2011 in OA No.3067/2010.”

4. As the earlier promotion of this applicant has been done due to the order of the Tribunal dated 14.09.2011 in OA No.3067/2010 and as the further NFU which he is asking for in this OA, can only be considered after the decision in the Writ Petition pending, it would be, in the fitness of things, if this matter is

taken up finally after the decision of the Hon'ble High Court in the aforesaid Writ Petition. As the orders of the Tribunal have already been stayed, the matter is adjourned *sine die* with liberty to the parties to revive the OA after the order is passed in the aforesaid Writ Petition.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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