

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

O.A. No. 1981/2015

New Delhi, this the 3rd day of August, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)**

Dr. Kanwal Singh,
Aged about 66 years,
S/o Late Shri Mansa Ram,
Former Deputy Secretary (UGC),
R/o 119, Bhim Colony,
Bakhtawarpur, Delhi-110036. .. Applicant

(By Advocate : Shri A.K. Bhakt)

Versus

University Grant Commission
(Ministry of Human Resources Development)
Through:

1. The Chairman,
University Grant Commission,
Bahadurshah Zafar Marg,
New Delhi. .. Respondents
2. The Secretary,
University Grant Commission,
Bahadurshah Zafar Marg,
New Delhi. .. Respondents

(By Advocate : Ms. Monika Yadav with Ms. Nitya Rao
for Shri R.S. Raju)

ORDER (Oral)**By Hon'ble Mr. P.K. Basu**

The facts of the case are that the applicant was appointed as Education Officer on 27.03.1995. He was promoted as Deputy Secretary w.e.f. 19.11.2004. There were three vacant posts of Joint Secretary (JS) and the name of the applicant was considered by the DPC held on 19.11.2009. Being next senior most, the DPC recommended the name of the applicant for promotion to the post of Joint Secretary in PB-4 with Grade Pay of Rs.8700/-. However, when the recommendation of the DPC was placed before the University Grant Commission (UGC) in 466th Meeting held on 19.11.2009, the UGC decided to defer this item and the office was asked to recalculate the sanctioned strength. The respondents apparently did not take any action on the direction of the UGC till 30.11.2009, when the applicant superannuated. Thereafter, his junior Shri S.C. Chadha was granted promotion as Joint Secretary in 2010.

2. From the above narration, it would be clear that there was a vacancy of the post of Joint Secretary as per the sanctioned strength and there was a recommendation of the DPC to promote the applicant as Joint Secretary. It is only apathy of the

respondents that the applicant had to retire on 30.11.2009 without getting his due promotion.

3. We are convinced that great injustice had been done to the applicant and, therefore, we allow the O.A. and direct the respondents to treat the applicant as promoted to the post of Joint Secretary w.e.f. 19.11.2009 notionally and fix his pay in the scale of Joint Secretary w.e.f. 19.11.2009 and, thereafter, on the date of his retirement, i.e. 30.11.2009, refix his pension, gratuity and other retirement benefits accordingly. The time frame of 90 days is set for compliance of this order by the respondents from the date of receipt of a certified copy of this order. No order as to costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

/Jyoti/