

**Central Administrative Tribunal
Principal Bench**

OA No.2226/2016

New Delhi, this the 13th day of July, 2016

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

Vijay Kumar Saluja, EE (Civil)
Aged about 57 years,
S/o Krishan Lal Saluja
R/o C-7/52, S.D.A., Hauz Khas,
New Delhi 110 016. ... Applicant.

(By Advocate : Shri M. K. Bhardwaj)

Versus

DDA & Anr.

1. Delhi Development Authority
Through its Vice Chairman
Vikas Sadan, INA,
New Delhi.
2. The Commissioner (P)
DDA,
Vikas Sadan, INA,
New Delhi. ... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman:

Heard.

2. Issue notice. Shri Karunesh Tandon, learned counsel who is present in Court has been asked to accept notice.
3. The applicant is presently serving as Executive Engineer (Civil) on being promoted in July, 2008. It is stated that the applicant was due for promotion to the post of Superintending Engineer (Civil). He was considered for such promotion in the DPC held on 21.01.2016 along-with other eligible candidates. It is alleged that according to his information he was considered for promotion after obtaining vigilance clearance, and

recommended for promotion to the post of Superintending Engineer (Civil). It is further stated that the Lieutenant Governor has also approved the recommendations on 25.02.2016. However, his promotion order has not been issued.

4. As per the averments made in the Application the applicant has been served with a charge sheet on 20.06.2016 in respect to the incidents pertaining to the years 1998 to 2001. It is further submitted that even this charge sheet has no bearing insofar as promotion of the applicant is concerned, in view of the law laid down by the Hon'ble Supreme Court in ***Union of India vs. K. V. Jankiraman & Ors.*** [(1991) 4 SCC 109], ***Union of India & Ors. vs. Sangram Keshari Nayak*** [(2007) 6 SCC 704], and DoP&T instructions issued vide Memorandum dated 02.11.2012. The applicant has made a representation dated 28.03.2016 (**Annexure A-2**). However, no decision has been taken therein.

5. Keeping in view the nature of relief claimed, we dispose of this Application at the admission stage itself with direction to the respondents to examine the representation of the applicant in light of the aforesaid judgments as well as DoP&T instructions dated 02.11.2012, and pass a reasoned and speaking order within a period of two months from the date of receipt of certified copy of this order.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/