

**Central Administrative Tribunal  
Principal Bench**

**OA No.3370/2017**

New Delhi, this the 27<sup>th</sup> day of September, 2017

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

Naveen Joshi, Age about 59 years, (Gp.B)  
S/o Sh. R.K. Joshi  
R/o BB-SG, DDA (MIG) Flats  
Munirka, New Delhi-110067. ...Applicant

(By Advocates: Ms. Harvinder Oberoi and Shri G.D. Chawla)

Vs.

Govt. of NCT of Delhi through

Chief Secretary  
Delhi Secretariat, I.P. Estate  
New Delhi-110001.

Secretary(Services)  
Delhi Secretariat, I.P. Estate  
New Delhi-110001.

Controller of Accounts  
Principal Accounts Office  
A-Block, Vikas Bhawan  
I.P. Estate, New Delhi-110001.

Secretary, Weight and Measure Department  
117-118, C Block  
Vikas Bhawan, IP Estate  
New Delhi-110001. ...Respondents

(By Advocate: Shri Amit Anand)

**ORDER (ORAL)**

**Justice Permod Kohli :-**

Notice.

2. Shri Amit Anand, learned counsel who is present in the court has been asked to appear in this case on behalf of the respondents.

3. The applicant was appointed as Stenographer Grade-III on 23.10.1979. His next promotion was to Grade-II on completion of four years of service. It is stated that the cadre of Stenographer was merged with the UDCs and on account of delay, the batch mates of the applicant, including junior, were promoted to Grade-II in 1997 but the applicant was not promoted at that time on account of non availability of his ACRs. The applicant has placed on record Annexure A-6 which is a communication from the Admn. Officer(NCC) to the Superintendent, Services(II), Services Department. This note clearly indicate that despite all possible efforts the requisite ACRs of the applicant, Stenographer Grade-III for the period from 1979-2001 were not traceable/available. The applicant made various representations. On consideration of the representation of the applicant, the respondents passed the order dated 07.06.2012 (Annexure A-2) granting notional promotion to the applicant w.e.f. 03.10.1997 i.e., the date his junior, namely, Shri Gulshan Kumar Ahuja was promoted. The grievance of the applicant is that despite the delay in promotion of the being not attributable to him and

it was only on account of non availability of his ACRs with the respondents that his promotion has been delayed for considerable period and now the respondents having accepted the contention, granted promotion vide order dated 07.06.2012 retrospectively w.e.f. 03.10.1997, but the actual financial benefits of the said promotion have not been granted to him, the promotion being notional in nature. It appears that on the representation of the applicant, the matter has been examined and considered by the respondents whereupon he has been communicated vide letter dated 25.08.2017 (Annexure A-1) with the following observations:-

“Reference to your representation on the subject cited above, it is to inform you that the said matter is already under submission to the Services department through the Secty(LM) on 28.07.17.”

4. In view of the above communication, it appears that the matter is under active consideration of the respondents for grant of actual financial benefits to the applicant. However, there has been unnecessary delay which has definitely caused prejudice to the applicant who is retiring on 30.09.2017 and it would definitely affect his retiral benefits.

5. In view of the above circumstances and the fact that the promotion was denied to the applicant for no fault of his and that he is entitled to the benefit of promotion with effect from the date his junior was promoted, this OA is disposed of at the admission stage itself. The respondents are, therefore, directed to take a decision on the claim of the applicant for actual financial benefit of promotion w.e.f. 03.10.1997 within a period of two months from the date of receipt of a copy of this order.

**(K.N. Shrivastava)**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

/vb/