

**Central Administrative Tribunal  
Principal Bench**

**OA No.3077/2016**

New Delhi, this the 9<sup>th</sup> day of September, 2016

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

Shri B. S. Bhatia  
Supdt.(Retd.)  
Tihar Jail,  
Aged about 60 years,  
S/o Shri A. S. Bhatia  
Central Jail, Tihar,  
R/o CG-1/179-A, Vikas Puri,  
New Delhi 110 018.

...Applicant.

(By Advocate : Shri Pratap Ch. Mishra)

Versus

1. Chief Secretary  
Govt. of NCT Delhi,  
5<sup>th</sup> Level, Delhi Secretariat,  
IP Estate,  
New Delhi.
2. Director General Prisons  
Prison Head Quarters,  
Govt. NCT of Delhi,  
Lajwanti Garden Chowk,  
Tilak Nagar,  
New Delhi 110 064.
3. Principal Secretary (Home)  
Govt. of NCT of Delhi  
Delhi Secretariat,  
New Delhi-02.

... Respondents.

**: O R D E R (ORAL) :**

**Justice Permod Kohli, Chairman :**

The applicant was promoted from the post of Deputy Superintendent Grade-1 to that of Superintendent, Central Jail, Tihar vide order dated 28.03.2016.

2. Through the medium of this OA, applicant is seeking retrospective promotion w.e.f. 17.02.2015 when the recruitment rules were notified. Hon'ble the Apex Court in ***Union of India and Ors. vs. K. K. Vadera*** reported in 1989 Suppl. (2) SCC 625 has clearly held that retrospective

promotion is impermissible unless the rules so prescribe. No reference is made to any rule or order wherein retrospective promotion is permissible.

3. In this view of the matter, we do not find any valid ground to entertain the OA. Dismissed.

**(V. N. Gaur)**  
**Member (A)**

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

/pj/