

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3880/2014

This the 13th day of May, 2016

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

Nalin Chauhan,
Aged about 41 years,
S/o Sh. Devi Singh Chauhan,
Working as Deputy Director (CDC)
R/o B-4, Transit Hotel,
I/A, Battery Lane,
Rajpur Road,
Civil Lines,
Delhi-110054. ... Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

Govt. of NCT of Delhi & Ors. through

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat
IP Estate,
New Delhi.
2. The Director,
Directorate of Information and Publicity,
Block No.9, Old Secretariat,
Delhi. .. Respondents

(By Advocate: Shri Vijay Pandita)

ORDER(ORAL)**Hon'ble Mr.JusticePermodKohli**

When the matter was taken up for hearing, learned counsel for the respondents has produced a copy of office order No.4(53)/2004/DIP/Estt./3871 dated 09.05.2016 whereby the applicant has been promoted as Dy.Director, Group 'A' Gazzetted, Non-Ministerial in the Pay Band Rs.15600-39100(Grade Pay-6600) on officiating basis with immediate effect on probation for a period of two years.

2. However, learned counsel for the applicant submits that the applicant is seeking promotion from the due date. According to him, the applicant was entitled for promotion on availability of vacancy at least in the year 2010. However, he has been denied benefit of such promotion. From the reply filed by the respondents, we find that the Review DPC could not be held due to non-availability of ACR of the eligible officers. Be that as it may, the applicant has been promoted with immediate effect. If the applicant feels that the said promotion should have been granted from an earlier date he shall be at liberty to make representation to the respondents in this regard.
3. In this view of the matter, we dispose of this OA with the direction that if the applicant files a representation as aforesaid, within four weeks, the respondents shall consider and dispose of the same within a period of sixmonths thereafter. In the event the claim of the applicant is to be rejected, the same shall be by a reasoned and speaking order.

(K.N. Shrivastava) (PermodKohli)
Member(A) Chairman

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