

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**MA No.2182/2017
OA No.4095/2014**

New Delhi, this the 11th day of July, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Sanjeev Kumar
S/o Shri Kulwant Rai Bansal
R/o 6/29, Subhash Nagar
New Delhi – 110 027.

.... Applicant

(By Advocate: Shri Prakash Chandra with Shri Sarvesh Bisaria)

VERSUS

1. Steel Authority of India Ltd.
Through its Managing Director
Ispat Bhawan,
Lodhi Road
New Delhi – 110 003.

2. The Secretary
Ministry of Steel
Udyog Bhawan,
New Delhi.

.... Respondents.

(By Advocate: Shri K.K.Rai, Sr. Advocate with Shri R.N.Singh for R-1
None for R-2)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar,

Heard Shri Prakash Chandra Sharma, counsel for the applicant and Shri K.K.Rai, Senior counsel and Shri R.N.Singh for Respondent no.1 Steel Authority of India Ltd. (in short, SAIL) and on behalf of the Respondent No.2 Ministry of Steel neither any counter has been filed nor there is any representation.

2. The applicant, who is working as E-O Grade Officer and on probation filed the OA seeking the following reliefs :-

"It is, therefore, most respectfully prayed that your Lordships may graciously be pleased to declare the Applicant as confirmed in E-O grade by declaring the Applicant to have successfully completed the period of probation and further direct the Respondents to grant the E-1 Grade to the Applicant w.e.f. October 2011 (Notionally w.e.f. 31.12.2010) with all consequential benefits to the Applicant and also award interest to the Applicant on the delayed payments @ 18% per annum, further direct the Respondents to consider the Applicant for promotion to E-2 grade as per the Executive Promotion Policy and Rules of the Respondents with all consequential benefits and/or may pass any other orders or directions as may deem fit and proper in the interest of justice and.."

3. The 1st respondent SAIL while not denying the contention of the applicant, however submits that the applicant was selected for the said grade, in which he is now working, after the written examination conducted on 18.04.2010 under the special promotion exercise and in view of Annexure R-1 dated 16.12.2011 of the 2nd respondent directing it not to confirm the officers who were promoted vide the examination held on 18.04.2011 under the special promotion exercise, after probation, until a final view on this issue is taken by them, they are not able to consider the case of the applicant for declaring his probation and for consequential benefits.

4. The proceeding dated 05.05.2016 issued by the 2nd respondent and addressed to the 1st respondent, a copy of which is produced before us, reads as under :-

"I am directed to refer to SAIL's letter No.PER/IR&W/E-438/15 dated 29.04.2015 and this Ministry's letter of even number dated 16.12.2011 on the above mentioned subject and to state that the vigilance aspect and the consequent departmental proceedings and penalty on the irregularity have been attended to by CVO, SAIL in consultation with CVC. The administrative decision regarding confirmation or otherwise of the officers who were promoted on the basis of the examination held under the special promotion exercise may be taken by the competent authority in SAIL in terms of its Services Rules. SAIL may also defend the CAT case including interest, if any, of the Ministry of Steel."

5. In view of the submissions made and the above referred letter dated 05.05.2016 issued by the 2nd respondent, we are of the considered view that

the OA can be disposed of by directing the 1st respondent to act in terms of the letter dated 05.05.2016 of the 2nd respondent and to consider the case of the applicant for confirmation in E-O Grade and for other consequential actions, from due dates, in accordance with law, within 90 days from the date of receipt of a copy of this order. Ordered accordingly. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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