

**Central Administrative Tribunal
Principal Bench**

OA No.4059/2013

New Delhi, this the 15th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Dr. N.P. Honkanadavar,
Aged about 47 years,
S/o sh. Puttappa Honkanadavar,
R/o Flat No.416, Pocket-I,
Gangotri Apartments,
Sector-12, Dwarka,
New Delhi-110078.

...Applicant

(By Advocate : Shri S.K. Gupta)

Versus

Union of India through

1. Secretary,
Ministry of Water Resources,
Sharam Shakti Bhawan,
New Delhi.
2. Director,
Central Soil & Material Research Station,
Ministry of Water Resources,
Olof Palme Marg, Hauz Khas,
New Delhi-110016.
3. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.

...Respondents

(By Advocates : Shri Sandeep Tyagi
Dr. Ch. Shamsuddin Khan)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The learned counsel for the parties submit that the subject matter of this OA is similar to the one in OA No.535/2014 and OA No.4063/2013. The only difference is that the applicants in those OAs did not qualify to be considered for promotion when the DPC was held in 2006, whereas in the instant case, the applicant was considered but was found not fit. As in the aforesaid OAs, here also, the applicant was promoted in the year 2013 but with prospective effect.

2. After hearing both the parties in OA No.535/2014 and OA No.4063/2013, we held that where an employee has acquired eligibility under the relevant rules, he cannot be subjected to any disadvantage or loss, on account of change of rules thereafter, and directed the respondents to convene a review DAB to consider the cases of the applicants therein against the vacancies that existed before 01.01.2011, with reference to the Rules of 1983, in all respects.

3. We, therefore, direct the 2nd respondent to convene a review DAB to consider the cases of the applicants and other eligible persons against all the vacancies that existed before 01.01.2011, with reference to the Rules of 1983 in all respects including the one of eligibility and ceiling limits, and in case it is found that they are eligible to be promoted, promotion shall be effected under the said rules in all respects. The exercise in this behalf shall be completed within a period of four months from the date of receipt of certified copy of this order. This order shall not be construed as expressing any view on retrospectivity or otherwise of the promotions.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(L. Narasimha Reddy)
Chairman

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