

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No.3158/2018

Reserved on: 23.08.2018
Pronounced on: 05.09.2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Bharat Bhushan Raizada,
Age about 57 years
S/o Late I.D. Raizada,
Group 'B',
R/o A-412, Nav Nirman Society,
Plot No.6A, Sector-2,
Dwarka, New Delhi-110075.

Working as Divisional Engineer (AT) BSSWS
O/o DGM (AT) BSSWS O/o GA (BSS) WS
MTNL Corporate Office,
Mahanagar Door Sanchar Sadan,
3rd Floor,
9, CGO Complex, Lodhi Road,
New Delhi-110003. .. Applicant

(By Advocate: Mrs. Harvinder Oberoi with Shri G.D. Chawla)

Versus

1. Union of India
Through Secretary,
Department of Telecommunications,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-110001.
2. Chief Managing Director,
MTNL, 9 CGO Complex,
5th Floor, Lodhi Road,
New Delhi-110 003.
3. Director (HR),
MTNL, 9 CGO Complex,
5th Floor, Lodhi Road,
New Delhi-110 003.

4. Executive Director,
MTNL, K.L. Bhawan,
2nd Floor, Janpath,
New Delhi-110050.

5. General Manager (Admn.)
MTNL, K.L. Bhawan,
Janpath, New Delhi-110050. .. Respondents

(By Advocate: Shri Trilok Singh for Shri Subhash Gosain)

ORDER

By Mr. V. Ajay Kumar, Member (J)

The applicant, a Divisional Engineer (AT) in the respondent – MTNL, filed the O.A. seeking the following relief(s):

- “A. To direct the respondents to consider the case of applicant’s promotion to the post of Sr. Manager (Telecom) Regular, from June 2016, i.e., from the date of promotion of juniors, who were promoted in earlier DPC, held in April, 2016, in the next DPC scheduled in August 2018.
- B. To grant all consequential benefits to the applicant including seniority and arrears of pay with interest @ 12% per annum.
- C. To grant cost to the applicant.
- D. Any other relief which this Hon’ble Tribunal may deem fit may also be granted”.

2. It is the case of the applicant that though he was fully qualified and eligible for promotion to the post of Sr. Manager (Telecom), he was denied the same in the year 2016 because his ACR did not reach the DPC/Screening Committee in time. It is his further case that now the respondents are proceeding to conduct a DPC in August 2018 for the post of Sr. Manager (Telecom), again,

and that the respondents again may not forward all the necessary ACRs to the DPC, thereby he will be deprived of consideration for promotion for this year also.

3. Heard Mrs. Harvinder Oberoi, learned counsel for the applicant and Shri Trilok Singh representing Shri Subhash Gosain, learned counsel appeared on behalf of the respondents on receipt of advance notice.

4. Through the medium of the instant O.A., the applicant is seeking a direction to the respondents to consider his case for promotion to the post of Sr. Manager (Telecom) in the DPC scheduled to be held in August 2018.

5. Admittedly, the 2018 DPC is yet to be held. The contention of the applicant that the respondents may not forward all his required ACRs to the DPC and that the DPC may not consider his case for promotion is an incident that has not yet happened. On the other hand, the proceedings dated 17.05.2018 filed along with the O.A., shows that the CR dossier of the applicant were called for placing before the DPC to be held.

6. In the circumstances, the O.A. is dismissed as premature. However, this order shall not preclude the applicant from availing

his remedies at the appropriate time, in accordance with law. No order as to costs.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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