

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

O.A No. 4244/2012

New Delhi, this the 13th day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

S. K. S. Yadav,
S/o. Sh. S.P.S. Yadav,
R/o. 33/3, Rajpur Road,
Delhi.

...Applicant

(Applicant in Person)

Versus

UOI & Ors.,
Through

1. The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. The Chairman,
Union Public Service Commission,
Shahjahan Road,
New Delhi.

3. The Secretary,
Deptt. of Personnel & Training,
North Block,
New Delhi.

4. The Chief Secretary,
Govt. of NCT of Delhi,
New Delhi.

....Respondents

(By Advocate : Mr. R. V. Sinha with Mr. Amit Sinha for R-2
for UPSC, Mr. Rajeev Kumar and Ms. Sangeeta Rai with
Mr. Pradeep Singh Tomar for R-4)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The applicant joined the services of DANICS in the year 1986. In the recent past i.e. in December, 2017, he retired from service. This O.A is filed with a prayer to direct the first respondent to promote the applicant to Junior Administrative Grade-II Scale (JAG Scale) with effect from 01.07.1998 when he completed 13 years of approved service and to promote him to JAG-I with effect from 01.07.2003, when he completed 18 years of service. Other consequential reliefs are also claimed.

2. The applicant contends that though he was entitled to be promoted to the two stages referred to above, on completion of 13 and 18 years of service respectively, it was denied to him and despite the order passed by the Tribunal in earlier proceedings, he was promoted to JAG-II only with effect from 21.02.2003 through order dated 21.04.2011 and was totally denied the promotion to the JAG-I. Extensive reference is made to various proceedings and order passed by the Hon'ble Supreme Court as well as Tribunal.

3. Counter affidavit is filed by the respondents. It is stated that relevant rules were framed in the year 2003 and grant of promotion to JAG-I and JAG-II involves selection process. They state that on a consideration of the case of the applicant, he was promoted to JAG-II with effect from 21.02.2003, the date on which his junior was promoted. So far as promotion to JAG-I grade is concerned, it is stated that the meeting of the DPC was held on 04.04.2012 for that post and the case of the applicant was kept in sealed cover for want of clearance from vigilance angle and that before any further steps could be taken, he retired from service.

4. We heard the applicant in person, Mr. R. V. Sinha with Mr. Amit Sinha for respondent no. 2 for UPSC, Mr. Rajeev Kumar and Ms. Sangeeta Rai with Mr. Pradeep Singh Tomar for respondent no. 4.

5. The applicant claims relief of promotion to JAG-I and II with effect from certain dates. The relief is claimed on the basis of completion of certain length of service. However, it is not disputed that the process of selection is involved in promotion to JAG-I & JAG-II grades. The case of the applicant was kept pending for certain time on account of pendency of disciplinary proceedings and

ultimately when the way became clear for promotion to JAG-II, he was promoted through order dated 21.04.2011 with effect from 21.02.2003, the date on which his immediate junior was promoted. As regards his promotion to JAG-I Grade, it is stated that though case of the applicant was considered, result thereof was kept in a sealed cover for want of the vigilance clearance. It needs to be verified as to whether the vigilance clearance was given before or after the applicant retired, and if so, the effect thereof, needs to be examined with reference to the record and the relevant provisions of law.

6. The details of various junior officers as well as the nature of proceedings that have been pending against the applicant at the relevant point of time need to be verified. The applicant has already submitted a detailed representation on 22.08.2012, which is filed as Annexure A/8 in this O.A.

7. We are of the view that the proper course would be to require the respondents to bestow their attention to the facts mentioned by the applicant in his representation and give a reply duly stating the reasons.

8. We, therefore, dispose of the O.A by directing the respondents no. 1 and 3 i.e., the Secretary, Ministry of

Home Affairs and the Secretary, Deptt. of Personnel & Training respectively to pass orders on the representation dated 22.08.2012 submitted by the applicant within a period of 6 weeks from the date of receipt of a certified copy of this order. There shall be no order as to costs.

9. The Miscellaneous Applications pending, if any, shall also stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/