

**Central Administrative Tribunal  
Principal Bench**

**OA No.2940/2018**

New Delhi, this the 06<sup>th</sup> day of August, 2018

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

M.S. Yadav (Aged about 51 years)CSO Group 'A'  
S/o Sh. Karan Singh Yadav  
R/o Guest Room No.1, Officers Mess  
Engineer Stores Depot  
Delhi Cantt., PIN-110010  
Working as: CSO Gp 'A'  
In Engineer Stores Depot, Delhi Cantt.      ..Applicant

(By Advocate: Sh. B.L. Wanchoo)

Versus

1. Union of India through Secretary  
Ministry of Defence, South Block  
New Delhi-110009.
2. The Director (E)  
Room No.309, 'B' Wing  
Sena Bhawan, Ministry of Defence  
New Delhi.
3. The Under Secretary  
D(Mov)  
Ministry of Defence, New Delhi.      ...Respondents

(By Advocate: Shri R.K. Sharma)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy:-**

The applicant is working as Civilian Asstt. Security Officer in the Ministry of Finance. He has been

promoted to that post w.e.f. 25.07.2016. He made a representation on 09.08.2017 to the respondents with a prayer to treat his promotion with effect from the date on which he became eligible. This representation was rejected by the respondents through order dated 22.03.2018. Hence this OA.

2. Heard Shri B.L. Wanchoo, learned counsel for the applicant and Shri R.K. Sharma, learned counsel for the respondents at the admission stage itself.

3. There is no controversy that the vacancy, in question, arose on 01.01.2015. A DPC for the purpose of selecting candidates for promotion was held in the year 2016 and the applicant was promoted w.e.f. 25.07.2016 on his being found fit. This promotion was against the vacancy for the year 2014-2015.

4. The applicant contends that he is entitled to be promoted with effect from the date on which the vacancy arose. It is well settled that an appointment or promotion, as the case may be, can take effect only from the date on which the appointment/promotion is made and in some cases, the date on which the person takes charge. The question of his being treated as

having been appointed or promoted by ante dating his date of appointment does not arise. Exception to this is, where a junior to an employee has been promoted to a higher post otherwise than through process of selection earlier than the concerned employee. In such cases, the employee, in question, would be extended the benefit of promotion retrospectively with effect from the date on which his junior has been promoted. Even this is notional.

5. Reliance is placed by the learned counsel for the applicant on the Order of this Tribunal in OA No.2853/2012 dated 14.05.2013. A perusal of that order discloses that the issue decided therein was as to whether the applicant therein was entitled to be extended the benefit of retrospective promotion, since his junior has been given the benefit of retrospective promotion. That is not the case here.

6. Reliance is made to Memo dated 08.09.1998 issued by the DOP&T. That is just a Modal Calendar for DPCs. There is nothing in the same to suggest that an employee must be promoted from the date on which

the vacancy arose, irrespective of the date on which the DPC is held.

7. We, therefore, dismiss the OA. There shall be no order as to costs.

<b>(Aradhana Johri)</b>	<b>(Justice L. Narasimha Reddy)</b>
<b>Member(A)</b>	<b>Chairman</b>

/vb/