

**Central Administrative Tribunal
Principal Bench**

OA No.3314/2018

New Delhi, this the 05th day of September, 2018

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

Om Prakash, Group 'A', Executive Engineer(Civil)
Age 63 years, R/o 12/690, Friends Society
Vasundhra, Ghaziabad, UP-201012. ..Applicant

(By: Applicant in person)

Versus

Union of India through its

1. The Secretary, M/o Urban & Housing Affairs
C-Wing, Nirman Bhawan
New Delhi-110001.
2. Director General
CPWD, A-Wing, Nirman Bhawan
New Delhi-110001. ..Respondents

(By Advocate: Shri Shubhan Pundhir for Dr. Ch. Shamsuddin Khan)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant retired from service of CPWD as Executive Engineer (ad-hoc) in December, 2015. This OA is filed by him with a prayer to direct the respondents to invoke Office Order No.229/1998 dated 13.11.1998, through which he was promoted on ad hoc

basis, from which position, he was reverted to the post of Assistant Engineer vide Office Order No.201/1999 dated 03.11.1999. His further prayer is to the effect that he be assigned seniority in the post of Executive Engineer from the deemed date of promotion. Reference is also made to an order dated 01.01.2018, through which, the appointments to the post of Executive Engineer were made on the basis of a review DPC.

2. We heard the applicant, who argued the case in person, and the respondents represented by Shri Shubham Pundhir proxy counsel for Dr. Ch. Shamsuddin Khan.

3. The applicant, no doubt, was promoted as Executive Engineer on ad-hoc basis through order dated 13.11.1998. However, hardly within a year, he was reverted through order dated 03.11.1999, which was necessitated on account of regular promotion being made through another order of the same date. The applicant did not choose to challenge the order dated 03.11.1999, through which he was reverted.

4. It is no doubt true that the selections for the post of Executive Engineer, referable to the order dated 1999, were the subject matter of Review DPC on the basis of orders passed by the Hon'ble Delhi High Court. They are the result of the recommendations made by the Review DPC. An order of promotion, in respect of 150 Assistant Engineers, was passed on 01.01.2018. The name of the applicant figured therein at Sl. No.48. As regards him, it was mentioned that the promotion is subject to the outcome of the criminal case in which he was acquitted but the appeal is pending before the High Court. It may be true that the DPC recommended the name of the applicant for promotion on regular basis to the post of Executive Engineer and an office order was issued in the recent past. The fact, however, remains that much before the Office Order dated 01.01.2018 was issued, the applicant retired from service.

5. The introductory paragraph of the order dated 01.01.2018 mentions that the order would be effective from 17.12.2004 i.e. the date of communication of DPC recommendations by UPSC or from the date of assumption of charge of the post "whichever is later". The question of assuming the charge by the applicant

does not arise since he retired from service. At this stage, the effort made by the applicant to remove the effect of the order of reversion dated 03.11.1999, is bound to be futile. The OA is dismissed being devoid of merits.

6. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/