

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.60/1296/2017  
M.A. No.60/1920/2017  
M.A. No.60/1828/2018**

**Date of decision: 27.11.2018**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).  
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Bikram Singh, aged 56 years, S/o Sh. Shankar Singh, working as Assistant O/o District Education Officer, Union Territory, Chandigarh.

**... APPLICANT  
VERSUS**

1. Union Territory, Chandigarh through Advisor to the Administrator, Union Territory, Sector-9, Chandigarh.
2. Education Secretary, Union Territory, Chandigarh Administration, U.T. Secretariat, Deluxe Building, Sector-9D, U.T., Chandigarh.
3. Director, Higher Education, Union Territory, Chandigarh Administration, U.T. Secretariat, Deluxe Building, Sector-9D, U.T., Chandigarh.
4. Jai Karan S/o Sh. Ram Singh, working as Superintendent, Government Home Science College, Sector-10, Chandigarh.
5. Kesar Singh, Asstt. O/o Deputy Education Officer, U.T. Chandigarh, now promoted as Superintendent.

**... RESPONDENTS**

**PRESENT:** Sh. R.K. Sharma, counsel for the applicant.  
Sh. Arvind Moudgil, counsel for respondents no.1 to 3.  
Ms. Neha Jain vice Sh. Manish Dadwal, counsel for respondents no.4 and 5.

**ORDER (Oral)**

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**SANJEEV KAUSHIK, MEMBER (J):-**

1. M.A. No.60/1828/2018 has been filed by the applicant for modification of interim order dated 31.10.2017, whereby operation of the impugned order dated 23/25.10.2017 granting reservation in promotion without complying with the mandate of law laid down in

the case of **UOI vs. Virpal Singh Chauhan** and **M. Nagraj Vs. UOI & Ors.**, was stayed.

2. Sh. Sharma, learned counsel for the applicant submitted that since applicant is now due for promotion even as per his own position in combined seniority, therefore, the interim order may be vacated and respondents may be directed to consider his case also as per existing seniority, and O.A. be also disposed of accordingly.
3. Learned counsel for the respondents does not object to the prayer, however, he submitted that the authorities will consider the claim of the applicant for promotion as Superintendent Grade-II as per existing seniority.
4. Accordingly, for the reasons stated therein the M.A. is allowed. The O.A. stands disposed of with a direction to the respondents to consider case of the applicant for promotion as per existing seniority expeditiously but not later than five months from the date of receipt of a certified copy of this order. Retirement of the official shall not prejudice his claim for grant of promotion retrospectively.
5. The O.A. stands disposed of in the above terms. Connected MAs also stand disposed of.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 27.11.2018.  
Place: Chandigarh.

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