

**Central Administrative Tribunal
Madras Bench**

OA/310/00463/2018

Dated Wednesday the 11th day of April Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

Navin Kumar Garg
S/o Shri Sadhu Ram Garg,
Deputy Director General(HQ),
O/o the Sepcial Director General,
(Southern Zone), Rajaji Bhavan,
Besant Nagar, Chennai 600 090. .. Applicant

By Advocate M/s.Menon, Karthik Mukundan & Neelakandan

Vs.

Union of India, rep by
The Secretary to Government of India,
M/o Housing & Urban Affairs,
Nirman Bhavan,
New Delhi 110 108. .. Respondents

By Advocte Mr.K.Rajendran

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To set aside the Office Order F.No.30/12/2013-EC-I/EW.I dated 30.01.2017, issued by the respondent, insofar as it fails to include the name of the applicant at the appropriate place for promotion as Chief Engineer (Civil) on regular basis for the vacancy year 2013-14 and consequently direct the respondents to include the name of the applicant, at the appropriate place in the said order and on that basis promote and post the applicant as Chief Engineer (Civil) on regular basis on par with his juniors with all consequential benefits, including monetary benefits flowing therefrom and pass such further or other orders as may be deemed fit and proper.”

2. Learned counsel for the applicant submits that the applicant was aggrieved by Annexure A12 Office Memorandum dated 19.4.2017 by which the recommendation of the Departmental Promotion Committee (DPC) regarding his empanelment for the post of Chief Engineer (Civil), CPWD on regular basis had been kept in a sealed envelope. It is alleged that the applicant was placed under suspension by the respondents by an order dated 30.5.2016 which was also extended for a period of 90 days by an order dated 26.8.2016. However, since no charge memo had been issued against the applicant within 90 days of the issuance of the suspension order, the review committee constituted to review the case of the applicant recommended that his suspension may be revoked as per DoPT's OM dated 23.8.2016. Accordingly his suspension was revoked by the competent authority on 22.12.2016.

3. It is further alleged that the applicant had been issued with charge memo dated 25.4.2017 which could not be held as a ground to withhold the promotion of the applicant. When the charge memo itself was issued only on 25.4.2017, there was no justification for keeping the recommendation of the DPC with regard to the applicant's fitness for promotion in a sealed envelope by an order dated 19.4.2017. Accordingly the applicant seeks quashment of the impugned promotion order dated 30.1.2017 issued in respect of others insofar as it excluded his name and direct the respondents to include the name of the applicant in the appropriate place based on the recommendation of the DPC.

4. Mr.K.Rajendran takes notice for the respondents.

5. On perusal, it is seen that the applicant has not exhausted his departmental remedies. There is no representation by the applicant against the decision of the DPC to keep its recommendation with regard to his empanelment for the post of Chief Engineer (Civil) in a sealed cover except for a request made by the applicant by Annexure A11 letter dated 03.2.2017 that his promotion may also be considered on regular basis. Indeed Annexure A12 OM dated 19.4.2017 makes only a passing reference to the applicant's name as a 'sealed cover case' and does not elaborate on the facts of the case and the circumstances in which it was decided to be kept in a 'sealed cover'.

6. I am accordingly of the view that the applicant must first represent to the competent authority on the lines he has agitated his claim in this OA which should be disposed of by a speaking order before any intervention by this Tribunal, if

called for. Accordingly, the applicant is directed to make a representation to the competent authority regarding his grievance within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the competent authority shall pass a detailed speaking order in accordance with law within a period of four weeks thereafter.

7. OA is disposed of with the above direction at the admission stage.

(R.Ramanujam)
Member(A)
11.04.2018

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