

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**M.A. No.60/2000/2018
O.A. No.60/1294/2017**

Date of decision: 21.12.2018

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

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Harvinder Singh, aged 52 years, S/o Sh. Pritpal Singh, working as Junior Assistant, Government Model High School, Sector 29-A, Chandigarh, now on deputation to Estate Office, U.T. Chandigarh. Group C.

... 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. Ms. Neelam Dhanda, working as Junior Assistant, Government Model Senior Secondary School, Sector-18, Chandigarh, now promoted as Senior Assistant/Accountant (Proceeded ex-parte vide order dated 12.01.2018).

... RESPONDENTS

PRESENT: Sh. R. K. Sharma, counsel for the applicant.

Sh. Mukesh Kaushik, counsel for the official respondents.

Respondent No.4 Ex-parte.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/2000/2018 has been filed for modification of interim order dated 31.10.2017 and for issuance of direction to the respondents to make promotion to the post of Senior Assistant.
2. Learned counsel for the applicant submitted that applicant has impugned order dated 23.10.2017 whereby respondent no.4 has been promoted as Senior Assistant/Accountant by ignoring seniority of the applicant contrary to law laid down by the Hon'ble Supreme Court of India in the case of M. Nagraj & Ors. Vs. UOI etc. reported as 2006 (8) SCC 212.
3. On the basis of averment made at the hands of the applicant at initial stage, this Court had stayed operation of the impugned order dated 23/25.10.2017 pending O.A.
4. Learned counsel for the applicant submitted that turn of the applicant for promotion as per the existing seniority list has come and he is at number 1 in the seniority list for promotional post. However, due to the stay by this Court, respondents are not acting upon the seniority list. He also submitted that this Court in a similar case titled **Bikram Singh vs. U.T. Chandigarh and Ors.** (O.A. No.60/1296/2017) has disposed of the O.A. by directing the respondents to consider the case of the applicant therein for promotion as per existing seniority list and prayed that present O.A. may also be disposed of in the same terms.
5. Sh. Mukesh Kaushik, learned counsel for the official respondents, does not object to the prayer.

6. Accordingly, we dispose of this O.A. in the same terms as in the case of Bikram Singh (supra). Para 4 the order reads as under:-

"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.

7. M.A. also stands disposed of. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 21.12.2018.

Place: Chandigarh.

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