

**Central Administrative Tribunal
Principal Bench**

OA No.1221/2019

New Delhi, this the 16th day of April, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Pradeep Kumar, Member (A)**

Neeraj Agrawal, Age48, Director (Contracts)
Designation Director (Construction)CCE
CCE(NEP)(AF) Chabua
R/o OMQ 269/1, Air Force Station Chabua
District Dibrugarh-38602, Assam. ...Applicant

(By Advocate: Shri Swetank Shantanu)

Vs.

1. Union of India through Secretary
Ministry of Defence, South Block
New Delhi-110011.
2. Engineer-in-Chief, Army Headquarters
Kashmir House, Rajaji Marg
New Delhi-10011.
3. R.K. jain, Director (Contracts)
HQ, DG, MAP, Kashmir House
Rajaji Marg, New Delhi-110011.
4. A.K. Srivastava, CGM, JT& Highway Operations
NHAI, G-586, Dwarka Sector 10
Delhi-110075.
5. Mahesh Kumar, Director(Contracts)
HQ, DG, MAP, Kashmir House
Rajaji Marg, New Delhi-110011.
6. Union Public Service Commission through
Chairman, Dholpur House, Shahjahan Road
New Delhi-110001. ...Respondents

(By Advocate: Sh. Y.P. Singh)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

The applicant was working as Assistant Surveyor of Works in the Military Engineering Service. In the year 2007, the Disciplinary Authority issued a charge memo and imposed the punishment of reduction of his pay scale by one stage to be imposed for a period of one year without cumulative effect through the order dated 13.11.2007. The promotion from that post is to the post of Superintending Engineer(SE). For the vacancy of the year 2009-2010 for promotion to the post of Superintending Engineer, a DPC met on 29.10.2010. The case of the applicant was considered but he was declared as unfit on account of penalty. Two of his juniors were promoted at that stage.

2. The applicant was ultimately promoted to the post of SE in the year 2013. After obtaining the necessary information from the respondents as to the reason for his non promotion against the vacancy of the year 2009-2010, the applicant submitted a representation dated 23.02.2018. He pleaded that the effect of the punishment elapsed with the expiry of one year from

the date the order of punishment was effected and he was wrongly denied promotion. He placed reliance upon an OM dated 28.04.2014 and other material. His grievance is that no action has been taken on his representation.

3. We heard Shri Shvetank Shantanu, learned counsel for the applicant and Shri Y.P. Singh, learned counsel for the respondents, at the stage of admission.

4. The effort of the applicant is to get promotion against the vacancy of the year 2009-2010. As of now, he is promoted against the vacancy of the year 2012-2013. The question as to whether the applicant was entitled to be promoted against the vacancy of the year 2009-2010, needs to be considered with reference to the relevant OMs and other material. More than one year elapsed ever since the applicant made representation.

5. We, therefore, dispose of the OA directing the respondents to pass appropriate orders on the representation dated 23.02.2018 submitted by the applicant within a period of six weeks from the date of

receipt of a copy of this order. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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