

**-Central Administrative Tribunal  
Principal Bench**

**OA No.947/2019  
MA No.1031/2019**

New Delhi, this the 19<sup>th</sup> day of March, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Anil Mehta,  
Jt. Director, Age 53 years,  
Group 'A',  
S/o Shri Prakesh Mehta,  
Flat No.C-103, Mahindra Apartment,  
D Block, Vikaspuri,  
New Delhi.

...Applicant

(By Advocate : Shri Rajeev Sharma )

**Versus**

1. Union of India,  
Through its Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
2. Food Safety & Standard Authority of India,  
Through its Chief Executive Officer,  
FDA Bhawan, Kotla Road,  
New Delhi.

...Respondents

(By Advocate : Shri Jojo Jose)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy, Chairman :-**

The applicant is an employee in the Ministry of Health. At present he is working in the Food Safety & Standard Authority of India, the 2<sup>nd</sup> respondent herein,

on deputation basis and is holding the post of Joint Director. He has been promoted to the post of Joint Director in the year 2018. He was making claims for promotion to that post with effect from the year 2008, by citing certain provisions and instances of promotion. Through an order dated 01.05.2015, his claim was rejected.

2. The applicant contends that in the recent past, a committee was constituted to examine the matters pertaining to the promotion and through proceedings dated 07.02.2018, it made certain recommendations and in the light of that, he made a representation dated 25.04.2018. This OA is filed challenging the order dated 01.05.2015 and the action of the respondents in not considering his representation dated 25.04.2018.

3. MA No.1031/2019 is filed with a prayer to condone the delay of 887 days.

4. We heard Shri Rajeev Sharma, learned counsel for applicant and Shri Jojo Jose, learned counsel for respondents.

5. After arguing the matter at some length, the learned counsel for applicant submitted that he is not pressing a

relief vis-a-vis the order dated 01.05.2015. Now the OA remains only as regards the non disposal of the representation dated 25.04.2018.

6. In the limited context of enabling the applicant to pursue his remedy, we condone the delay, and order the MA.

7. The applicant places reliance upon the recommendations of the committee dated 07.02.2018. The question as to whether he stands to any benefit on account of recommendations, needs to be examined by the respondents. The representation cannot be kept pending indefinitely.

8. We, therefore, dispose of the OA, directing the 2<sup>nd</sup> respondent, to pass appropriate orders on the representation of the applicant dated 25.04.2018, within a period of six weeks from the date of receipt of a certified copy of this order.

There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

‘rk’