

**Central Administrative Tribunal
Principal Bench**

**OA No.1991/2014
MA No.3714/2014**

New Delhi, this the 3rd day of January, 2019

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

Dr. Lily Aggarwal working as CMO (NFSG)
Aged about 57 years
W/o Dr. R.K. Aggarwal
R/o 84, Sandesh Vihar
Pitampura, Delhi.

... Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

UOI & Ors. through:

1. The Secretary
M/o Labour & Employment
Nirman Bhawan
New Delhi.
2. Employees State Insurance Corporation
Panchdeep Bhawan
CIG Marg

New Delhi through its Director General.

3. The Director(M)
Directorate (Medical) Delhi
ESIC Scheme, Hospital Complex
Tilak Vihar
New Delhi.

... Respondents

(By Advocates: Shri V.K. Singh and Ms. Prachi Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is working as a Medical Officer in the ESI Corporation. She was denied promotion to SAG on account of the fact that her ACRs for the years 2007-2008 and 2009-2010 were rated as below bench mark. It is stated that her juniors were promoted to SAG through order dated 04.10.2012.

2. This OA is filed with a prayer to direct the respondents to upgrade or ignore the ACRs of the two years, referred to above, and to promote her to the post of SAG with effect from the date on which her juniors were promoted, namely, 04.10.2012.

3. The respondents filed the counter affidavit stating that the applicant could not be promoted on account of the fact that her ACRs for the relevant period were rated as 'Below Bench Mark'.

4. We heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri V.K. Singh with Ms. Prachi Singh, learned counsel for the respondents.

5. During the pendency of the OA, two substantial developments have taken place. The first is that the ACRs for the years 2007-2008 and 2009-2010 of the applicant were upgraded by accepting the representation made by the applicant by order dated 30.08.2017. The second is that in view of the upgradation of the ACRs, the applicant was promoted to SAG through order dated 07.12.2018 w.e.f. 01.03.2015.

6. Across the Bar, it is stated that the applicant is entitled to be promoted with effect from 04.10.2012, the date on which her juniors were promoted. The record of the OA is not clear as to the basis for choosing 01.03.2015 in respect of the applicant. We are of the view that this aspect needs to be addressed by the respondents.

7. We, therefore, dispose of the OA, taking note of the fact that the applicant has since been promoted to the post of SAG and by directing that the respondents shall either promote the applicant to the post of SAG from 04.10.2012 and extend the consequential benefits, the date on which her juniors were promoted; or to indicate the reasons as to why the promotion was

ordered w.e.f. 01.03.2015. This exercise shall be completed within a period of two months 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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