

**Central Administrative Tribunal
Principal Bench**

OA No. 1159/2016
MA No. 3250/2016
MA No. 4660/2018

This the 03rd day of January, 2019

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

Vishnu Shankar Prasad
(Chief Engineer) (S/o Late Sh. J. P. Sharma)
Ministry of Road Transport Highways,
D-47, Saket, New Delhi – 110017.

...Applicant

(By Advocate: Shri Satyam Reddy, Sr. Counsel with Shri V. K. Jain,
Shri Ajit Kulshrestha and Shri Vijay Kumar)

Versus

1. Union of India
(Through Secretary)
Ministry of Road Transport and Highways,
Transport Bhawan, New Delhi.
2. Sh. Manoj Kumar
(Additional Director General)
Ministry of Road Transport and Highways,
Transport Bhawan, New Delhi.
3. Sh. K. C. Verkeyachan
(Additional Director General)
Ministry of Road Transport and Highways,
Transport Bhawan, New Delhi.
4. Sh. R. K. Singh
(Chief Engineer)
Ministry of Road Transport and Highways,
Transport Bhawan, New Delhi.
5. Sh. D. O. Tawade
(Chief Engineer)
Ministry of Road Transport and Highways,
Transport Bhawan, New Delhi.

6. Sh. B. N. Singh
(Chief Engineer)
Ministry of Road Transport and Highways,
Transport Bhawan, New Delhi.
7. Sh. Vijay Chhibber
R/o 59, New Moti Bagh
New Delhi.
8. Dr. Sunil Kumar Verma
S/o Late Sh. Kashi Ram Verma,
Chief Engineer (Civil),
Ministry of Road Transport & Highways,
R/o P-7, Sector-11, Noida, UP.

...Respondents

(By Advocate: Sh. Hanu Bhaskar)

ORDER (ORAL)

By Justice L.Narasimha Reddy, Chairman

MA No.3250/2016

This application is filed with a prayer to implead the applicant therein as one of the parties. There appears to be some defect in the very amended cause title, inasmuch as the proposed respondent is shown as the applicant in the OA. However, without taking the technicality into account, we direct that Dr. Sunil Kumar Verma shall be added as respondent no.8 in the OA. MA is accordingly disposed of.

OA No.1159/2016

The applicant joined the Road Transport and Highways Department, Government of India in 1985 as Assistant Executive

Engineer. After acquiring various promotions he became Chief Engineer in 2009. For the promotion to the next higher post of Additional Director General, CPWD, the DPC met on 19.08.2014. Against the vacancies for the year 2014-2015, five officers including applicant were considered. Three persons at Sl. No. 1 to 3 were declared fit and against the name of the applicant and another Chief Engineer, it was noticed that their consideration is not required to be assessed in view of OM dated 08.02.2002 issued by DOP&T. The recommendations of the DPC were forwarded to the Appointing Committee of the Cabinet (for short, ACC).

2. Through an order dated 30.06.2015 the Secretariat of the ACC informed that the recommendations in respect of two officers, namely, Shri R. K. Singh and Mr. D. O. Tawade, who were found to be fit, their cases were deemed to be under sealed cover for the vacancies of 2014-2015. It appears that the vigilance clearance of another officer, found fit, was not given. The ACC directed that the review DPC be conducted to consider the names of one Mr. B. N. Singh and the applicant herein for the panel year 2014-2015.

3. The grievance of the applicant is that though several years have elapsed ever since the ACC has taken a decision, it is not implemented so far.

4. The respondents filed counter affidavit opposing the OA. Various events that have taken place in the context of promotion to

the post of ADG are mentioned. It is stated that on receipt of the communication from the ACC, the matter was forwarded to the UPSC as well as DOP&T for necessary action at their end. According to the Respondent No. 1, the UPSC was addressed a letter with request to convene a review DPC and when the same was not acted upon, a reminder was also issued on 04.08.2015.

5. We heard Shri Satyam Reddy, learned senior counsel along with Shri V. K. Jain learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

6. Though the applicant challenged the minutes of the DPC held on 19.08.2014, the fact remains that those minutes stood virtually set aside on account of the order dated 30.06.2015 issued by the Secretariat of the ACC. The recommendations made by the DPC were not acted upon and on the other hand specific directions were issued to consider the cases of the applicant and one Mr. B. N. Singh. In the ordinary course of things, the directions issued by the ACC are required to be implemented forthwith. However, If there exists any impediment for implementation thereof, the respondents are required to communicate the reasons therefor. The matter cannot be kept in such state of affairs, for so long.

7. Hence, the OA is disposed of directing the Respondent No. 1 to take necessary steps on the order dated 30.06.2015 issued by the Secretariat of the ACC within one month from today. If there exists

any reason that is coming in the way of holding of the review DPC, as directed by ACC, the same shall be communicated to the applicant within the same period. It goes without saying that if the applicant is not satisfied with the reply, which the respondent No. 1 may issue, it shall be open for him to pursue the remedy in accordance with law. There shall be no order as to costs.

8. Pending MA also stands disposed of.

(Pradeep Kumar)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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