

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A. No. 1722/2019**

**M.A. No. 1899/2019**

New Delhi, this the 16<sup>th</sup> day of August, 2019

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

Shri Atul Garg,  
Aged about 53 years,  
S/o Shri I.C. Gupta,  
R/o F-4, Bhikaji Fire Station,  
Bhikaji Cama Place, New Delhi  
(Working as Chief Fire Officer in  
Delhi Fire Service, Group 'A')

.. Applicant

(By Advocate : Shri S.K. Gupta)

Versus

Govt. of NCT of Delhi through:

1. Chief Secretary,  
Govt. of NCT of Delhi,  
Delhi Secretariat,  
I.P. Estate, New Delhi.
2. Pr. Secretary (Home),  
Govt. of NCT of Delhi,  
Delhi Secretariat,  
I.P. Estate, New Delhi.
3. Director,  
Delhi Fire Services,  
Fire Headquarter,

Connaught Circus,  
New Delhi-110001.

4. Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi.

.. Respondents

(By Advocate : Shri Amit Anand)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy, Chairman**

The applicant is working as Chief Fire Officer in the Delhi Fire Services. Promotion from that post is to the post of Director, Fire Services. The applicant contends that though he became eligible to be considered for promotion as Director, the respondents have not convened the DPC so far, and that their inaction is detrimental to his case. This O.A. is filed with a prayer to direct the respondents to convene the DPC, in terms of proposal dated 14.01.2019.

2. Respondents filed a counter affidavit opposing the O.A. The plea that the applicant became eligible for promotion to the post of Director is not disputed. It is

also stated that the DPC was, in fact, scheduled to be convened on 19.03.2019, but on account of the fact that a complaint of sexual harassment was pending enquiry/investigation against the applicant before the ICC, the DPC was not convened. Further developments in the ICC complaint are said to be awaited by the respondents.

3. We heard Shri S.K. Gupta, learned counsel for the applicant and Shri Amit Anand, learned counsel for the respondents.

4. Record discloses that a DPC was, in fact, scheduled to be convened on 19.03.2019. However, the same did not materialise in view of the pendency of enquiry into the complaint of sexual harassment at workplace, against the applicant, and for want of vigilance clearance.

5. Today, learned counsel for the respondents has placed before us, a copy of letter dated 10.05.2019, to which, the findings of the ICC are enclosed. According to that, the Committee took a view that the complaint

against the applicant is 'not proved'. He further submits that vigilance clearance has also been given.

6. We, therefore, dispose of the O.A. directing that in case the ICC report has assumed finality, in accordance with law, and the vigilance clearance is given to the applicant, the steps for convening DPC shall be taken forthwith. If there exists any impediment for convening the DPC, the respondents shall communicate the reason(s) to the applicant through a letter, within a period of two 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**

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