

**Central Administrative Tribunal
Principal Bench**

**OA No.1979/2019
MA No.2139/2019**

New Delhi, this the 15th day of July, 2019

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

1. Sushma Chopra, (Working as ADG),
Aged 58 years, Group 'A',
D/o Late Shri G.L. Khera,
R/o No.222, Great India Apartments,
Sec-6, Plot No.15, Dwarka,
New Delhi-110075.
2. Kamla Pargai (Working as ADG),
Aged 56 years, Group 'A',
D/o Late Shri B.S. Rana,
R/o A-192, Pandara Road,
New Delhi-110003.
3. Subhash Sharma (Working as ADG),
Aged 59 years, Group 'A',
S/o Late Shri C.K. Kaushik,
R/o 181, Laxmi Bi Nagar,
Delhi-110023.

...Applicants

(By Advocate : Shri Yogesh Kumar Mahur)

Versus

1. Union of India through Secretary,
Ministry of Information Technology,
(Department of Telecommunications),
Sanchar Bhawan, 20 , Ashoka Road,
New Delhi.
2. The Chairman,
Telecom. Commission,
Sanchar Bhawan,
20, Ashoka Road, New Delhi.

3. The Chairman,
UPSC, Dholpur House,
Shahjahan Road, New Delhi.

4. The Secretary,
DoPT,
North Block, New Delhi.

...Respondents

(By Advocate : Shri Subhash Gosain)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicants are the officers in the Senior Time Scale (STS) in the Department of Telecommunications, under the Ministry of Information Technology. They were promoted to the Junior Time Scale (JTS) in the year 2009, through order dated 12.06.2009. The applicants made representations in the year, 2018, stating that there existed vacancies during the years 2003 onwards in the JTS and despite that, they have been promoted against the vacancies of the years 2007-2008 or subsequent thereto, and made a request for refixation of their promotion against the vacancies of the years 2002-03, 2003-04 and 2004-05, and to promote them to STS, as per their seniority.

2. This OA is filed with a prayer to direct the respondents to conduct a review DPC for the applicants

for the purpose of revision or re-fixation of their promotion against the vacancy years 2001-02, 2002-03, 2003-04 and 2004-05 and to take further steps. They contend that even according to the order dated 12.06.2009, vacancies were available from the year 2003 onwards and despite that, they were promoted only against the vacancies of the subsequent years. Reliance is placed upon certain precedents.

3. We heard Shri Yogesh Kumar Mahur, learned counsel for applicants and Shri Subhash Gosain, learned counsel for respondents, at the stage of admission, in detail, and perused the record.

4. The prayer in the OA reads as under :-

“a) Direct the Respondents to conduct Review DPC of the applicants and Revise/Re-fix the promotion of the applicants against the vacancy year 2001-2002, 2002-2003, 2003-2004, 2004-2005 using roster which the department has erroneously ignored the recommendations of UPSC and DoPT with the direction to complete the process within a time frame.

(b) Direct the Respondent to convene DPCs for the year 2001-2002, 2002-2003, 2003-2004 & 2004-2005 for the posts of JTS of ITS Group-A from

amongst eligible TES Group-B officers with all consequential Benefits including payment of arrears of pay and allowances to the applicants.”

5. It is not in dispute that the applicants were promoted to JTS through order dated 12.06.2009, against the vacancies referable to different years. If they felt aggrieved by the order dated 12.06.2009, in any manner, they were expected, to challenge the said order immediately. Even now, i.e. 10 years afterwards, no challenge is made to the said order. It is pertinent to mention that there are several officers who are above the applicants, and they did not raise any objection as to the promotion against any particular year. Once the applicants did not challenge the order dated 12.06.2009, there is no way, the steps taken thereunder can be questioned, that too, at this stage. At any rate, the applicants cannot raise any grievance in respect of the promotions which took place in the year 2009, after expiry of 10 years. The precedents, relied upon by the applicants, deal with totally different situations. Added to that, the officers who would be affected, if the prayer of the applicants is granted, are not made parties.

6. We do not find any merit in the OA and the same is, accordingly, dismissed.

Pending MAs, if any, stand disposed of.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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