

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 442/2019
in
OA No. 3342/2018**

New Delhi, this the 23rd day of September, 2019

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

Andrew WK Langstieh,
Flat No. C/2, Tower-8,
New Moti Bagh,
New Delhi- 110021.

...Applicant

(By Advocate: Mr. Ashwath Sitaraman)

Versus

1. Sh. Naresh Arya, Deputy Director (EO-SM.II)
Secretariat of the Appointments Committee of the
Cabinet,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel and Training,
North Block,
New Delhi – 110001.
2. Vikram D. Murugesan, Principal Director (Personnel),
Comptroller & Auditor General of India,
Pocket 9, Deen Dayal Upadhyaya Marg,
New Delhi- 110124.

...Respondents

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicant filed OA No. 3342/2018, feeling aggrieved by the denial of promotion, though his case was recommended by the DPC for promotion to the post of Deputy Comptroller and Auditor General(Dy. C&AG). The

OA was disposed of on 31.10.2018 directing that the respondents shall finalise the issue pertaining to vigilance clearance of the applicant, within four weeks from the date of receipt of a certified copy of the order and to take necessary steps. It was also directed that, as and when, orders of appointment are issued in favour of the applicant they shall be effective from the date indicated by the DPC.

2. In compliance with the same, the respondents passed an order dated 13.08.2019 promoting the applicant to the post of Dy. C&AG notionally w.e.f. 01.09.2018 i.e. the date on which immediate juniors of the applicant were promoted; and on actual basis from 09.05.2019, the date on which the proceedings against him were closed. The applicant contends that the DPC recommended his case against the vacancy which arose on 01.08.2018 and promoting him from 01.09.2018 is without any basis. It is also stated that the actual promotion ought to have been from 01.08.2018 since no proceedings were pending against him.

3. We heard, Mr. Ashwath Sitarman, learned counsel for the applicant at length.

4. On the face of it, the CP is not maintainable. The DPC recommended the names of 05 officers against the vacancy

of Dy. C& AG that arose on different dates between 01.04.2018 and 31.12.2018. No where it is mentioned that the promotion shall be effective from that date. The applicant is not able to place before us, any order issued to remaining 04 officers with effect from the date on which the vacancy has arisen. Further, when the proceedings against the applicant were pending up to 09.05.2019, the question of promoting the applicant on actual basis, earlier to that date does not arise. Therefore, the CP is closed.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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