

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.2821/2019

Wednesday, this the 25<sup>th</sup> day of September 2019

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

Surinder Pal Sharma (Retired), age 60 years  
Group B  
s/o Shri Manohar Lal Sharma  
Ex-Section Officer  
Ministry of Tribal Affairs  
Govt. of India, New Delhi  
r/o House No.47, First Floor  
Meera Enclave  
Chaukhandi DDA Colony, New Delhi – 110 018

..Applicant

(Mrs. Meenu Mainee, Advocate)

Versus

Union of India through  
Secretary,  
Department of Personnel & Training  
Ministry of Personnel, Public Grievances & Pensions  
2<sup>nd</sup> Floor, Lok Nayak Bhawan  
Khan Market, New Delhi – 110 003

..Respondent

(Mrs. Sumedha Sharma, Advocate)

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

**Justice L. Narasimha Reddy:**

The applicant retired from Central Secretariat Service (CSS) on 28.02.2019 as Section Officer. Before his retirement, the respondent issued O.M. dated 18.02.2019 initiating steps for promotion to the post of Grade I (Under Secretary). The list of 201 Section Officers found eligible for promotion was

enclosed; and the vigilance status, statement of penalties, if any, and the particulars as to deputation or absorption were required to be submitted by 08.03.2019. The promotions were made in April 2019. The applicant contends that had the respondent taken steps in the right earnest, he would have stood a chance of being promoted, and the delay has deprived him of the right to be considered for promotion. It is also stated that once the dossier of the applicant was available and no selection was involved, he is entitled to be promoted from a date, before he retired from service. A legal notice was got issued in this behalf and a grievance of the applicant is that the respondent did not extend the relief to him.

2. We heard Mrs. Meenu Mainee, learned counsel for applicant and Mrs. Sumedha Sharma, learned counsel for respondent, at the admission stage.

3. The steps for promotion to the post of Grade I (Under Secretary) were initiated by issuing the O.M. dated 18.02.2019. The name of the applicant figured at Sl. No.188 in the list. The last date for submission of particulars was stipulated as 08.03.2019. Before that date itself, the applicant retired from service.

4. The plea of the applicant that he was entitled to be promoted to the post of Grade I (Under Secretary) once the

O.M. was issued before he retired from service, is difficult to be accepted. Through the O.M., the relevant details were called for and 08.03.2019 was stipulated as the last date. It is not uncommon that the benefit of promotion is granted to retired employees also. Those are the cases in which a junior to a retired employee is promoted with effect from the date, earlier to retirement of such employee.

5. The question of promotion in any organization is a continuous process and it takes place year after year. If an employee, who is retired from service but was not promoted while in service, is to be extended the benefit of promotion, just because his junior was promoted, at a later point of time, almost a chaotic condition was created. Such claims can be made years, if not decades, after the retirement of the employee. Learned counsel for applicant is not able to place before us any provision of law or a decided case in support her case.

6. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**September 25, 2019**  
**/sunil/**