

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP No.219/2018 in OA No.2765/2014

New Delhi, this the 15th Day of November, 2019

**Hon'ble Mrs. Justice Vijay Lakshmi Member(J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Somvir Singh, Assistant Divisional Officer
Delhi Fire Service
R/o Flat No.A-9
C.C. Fire Station, C.P., New Delhi.Applicant

(By Advocates: Shri Yashish Chandra and Shri
Shantanu Jugtawat)

Vs.

Shri Anshu Prakash
Chief Secretary, Govt. of NCT of Delhi
5th Level B Wing
Delhi Secretariat, New Delhi.Respondent

(By Advocate: Shri R.K. Shukla)

Order (Oral)

Hon'ble Mr. Pradeep Kumar, M(A)

The Tribunal had passed certain directions in OA No.2765/2014 on 04.09.2017. The operative para reads as under:-

"7. In the circumstances, the OA is allowed. The respondents are directed to apply the law as declared by the Hon'ble Apex Court in M. Nagraj (supra) to the facts of the present case and accordingly pass fresh orders i.e., without the element of rule

of reservations, for granting the promotion to the applicant from due date i.e., w.e.f. the date of his junior's promotion to the post of Assistant Divisional Officer(Fire) within 60 days from the date of receipt of a certified copy of this order. No costs."

2. In compliance thereof, the respondents have passed a direction vide letter dated 04.04.2019 wherein the seniority of the applicant was changed from previous seniority Sl. No.56 to Sl. No.52A (below Shri Manoj Kumar Sharma and above Shri Manish Kumar, ADO). The respondents plead that with this, the Tribunal's directions have since been complied with.

3. Learned counsel for the applicant pleads that the applicant has not received any benefit so far in terms of the Order passed by the Tribunal.

4. The respondents plead that subsequent to the decision by the Tribunal, the matter regarding reservation in promotion as was adjudicated by the Hon'ble Apex Court in the case of ***M.Nagaraj & Others vs Union Of India & Others*** AIR 2007 SC 71, has come up for adjudication before Apex Court and has

undergone certain change in respect of some of the parameters laid in M. Nagraj.

5. In these circumstances, the order as issued on 04.04.2019, is treated as substantive compliance of the Tribunal's directions.

6. The matter has been heard. In view of the latest judgment by the Hon'ble Apex Court, the directions issued by the Apex Court in M. Nagraj's case, which was the basis for the Tribunal to pass the orders on 04.09.2017, has undergone certain change.

7. When such is the situation, the Tribunal notes that there has been substantive compliance to the Tribunal's directions as were issued on 04.09.2017. Accordingly, the CP is closed. Notices are discharged.

(Pradeep Kumar)
Member(A)

(Justice Vijay Lakshmi)
Member(J)

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