

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 886/2014

New Delhi, this the 7th day of November, 2019

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Anita Suresh,
Assistant Director,
Employees Insurance Corporation,
R/o 502 SEARS Towers OMAXE Heights,
Sector-86, Greater Faridabad-121002 - Applicant

(By Advocate: Mr. Puneet Garg)

Versus

1. Director General,
Establishment Branch, Branch-1,
ESI Corporation,
Panchdeep Bhawan, CIG Marg,
New Delhi-02
2. Secretary to Govt. of India,
Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi-110001
3. Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110003 - Respondents

(By Advocates: Ms. Eshita Baruah for Mr. Gaurang Kant for respondents 1 & 2 and Mr. Ravinder Aggarwal for respondent no.3)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant joined the service of ESI Corporation in 1997 as Insurance Inspector. In the year 2006, he was issued

two charge memos, one proposing a major penalty and another for minor penalty. The charge-sheet for major penalty ended up in exoneration, through order dated 23.03.2010. However, minor penalty of reduction of pay by one stage was imposed through order dated 22.09.2008.

2. The next promotion is to the post of Assistant Director. The case of the applicant was considered for promotion to the post of Assistant Director against the vacancy year 2008-09. Since the punishment was in operation, he was found unfit and he was denied promotion accordingly. He was promoted to that very post, in the next year.

3. The grievance of the applicant is that though the punishment was in operation for one year w.e.f. 22.09.2008, the DPC for promotion to that post was held in December, 2009 and by that time, the punishment has worked itself out. In this background, the applicant claims the relief of promotion to the post of Assistant Director with effect from the date on which his junior was promoted.

4. The respondents filed the counter affidavit opposing the OA. It is stated that the applicant was denied promotion for vacancy referable to the year 2008-09 and the mere fact that the DPC met subsequent point of time makes no difference.

5. We heard Mr. Puneet Garg, learned counsel for the applicant and Ms. Eshita Baruah for Mr. Gaurant Kanth,

counsel for respondents 1 and 2 and Mr. Ravinder Aggarwal, counsel for the respondent 3.

6. The only issue that arises for our consideration is as to whether the applicant was entitled to be promoted to the post of Assistant Director against the vacancy year 2008-09. It is not in dispute that the applicant was imposed punishment of stoppage of one increment through order dated 22.09.2008 and it remained in force till 21.09.2009. It may be true that the DPC met in December, 2009. However, the vacancy was of the year 2008-09 and once the applicant was under punishment for that period, the question of his being promoted to the post in question does not arise.

7. We do not find any merit in the OA. It is accordingly dismissed. No order as to costs.

(Nita Chowdhury)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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