



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3674/2019

New Delhi, this the 19th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Krishna Deo Kalpit, S/o late S.D. Sharma
Aged about 63 years
R/o E-12, Second Floor, Nizamuddin West, New Delhi-110013
D.O.J. : 06.04.1992, Superannuated on 31.10.2016
While working as : Deputy Director General (Programmes)
(Group A) ... Applicant

(through Sh. Mohit Tyagi)

Versus

1. Union of India
Through its Secretary
Ministry of Information & Broadcasting
"A" Wing, Shastri Bhawan, New Delhi-110001.
2. Prasar Bharti
Through the Chief Executive Officer
Prasar Bharti Secretariat, Prasar Bharti House
Tower C, Copernicus Marg, New Delhi-110001.
3. The Director General
Doordarshan, Doordarshan Bhawan
Copernicus Marg, New Delhi-110001.
4. The Director General
All India Radio, Akashwani Bhawan, Copernicus Marg
New Delhi-110001.
5. Union Public Service Commission
Through its Secretary
UPSC Bhawan, Shahjahan Road
New Delhi-110001. ... Respondents

(through Sh. Rishabh Sahu with Ms. Shireen Khan for R. No. 1,
Sh. S.M. Arif for R. Nos. 2, 3 and 4 and Sh. R.V. Sinha for R.
No. 5)

ORDER(ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant retired from the service of the Prasar Bharti as Deputy Director General (Programmes) on 31.10.2016. It is stated that a charge memo was issued to him in the year 2003. On account of that, sealed cover procedure was adopted in his case in the context of promotion to the Junior Administrative Grade (JAG) in the year 2003-04. The applicant contends that he was acquitted in the corresponding criminal case and though minor penalty was imposed in the year 2009, the same was set aside in the appeal.

2. The applicant filed OA No. 819/2013 before the Patna Bench of this Tribunal claiming relief in the context of promotion to the JAG. The OA was disposed of on 24.09.2014 directing the respondents to pass speaking order as regards the grievance ventilated by the applicant in that OA. In compliance with the same, the respondents passed a speaking order dated 28.10.2016 observing that the applicant was promoted to JAG through an order dated 28.04.2016 and for further promotions, the DPC is likely to meet shortly.

3. This OA is filed by the applicant with a prayer to direct the respondents to promote him to JAG against the vacancy of the year 2004-05 with effect from the date on which his immediate junior was promoted and to grant other consequential benefits.



4. We heard Sh. Mohit Tyagi, learned counsel for the applicant and Sh. Rishabh Sahu with Ms. Shireen Khan for respondent no. 1, Sh. S.M. Arif for respondent nos. 2, 3 and 4 and Sh. R.V. Sinha for respondent no. 5.

5. The applicant retired three years ago. The sealed cover procedure was adopted in his case in the year 2003-04. The occasion to open the sealed cover arose only some time around 2010. He filed OA No. 819/2013 while in service and in compliance with the direction issued therein, the respondents passed a detailed speaking order dated 28.10.2016. It was clearly mentioned therein that the applicant and four others were promoted to JAG on 28.04.2016. In case, the applicant was of the view that he was entitled to be promoted to that grade with effect from an earlier date, he was expected to pursue the remedies at that time itself. He accepted the promotion without any demur and ultimately retired from the service in the year 2016.

6. Any claim, made at this stage, is clearly barred. The principle of estoppel and acquiescence come into play. We do not find any merit in the OA and accordingly the same is dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/