
(2020) 09 CAT CK 0123
In the Central Administrative Tribunal
Case No : Original Application No. 1407 Of 2020

A.V. Prem Nath

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 29-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0123

Hon'ble Judges : L. Narasimha Reddy, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : M K Bhardwaj, R K Jain, Sarvana Vasanta, Esha Majumdar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant joined the service of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu Civil Service (DANICS) in the year 1996 and is presently working at Delhi. He states that an FIR No.32/2002 was registered against him by alleging the offences referable to the Prevention of Corruption Act, 1988. It is also stated that on 28.10.2014, a closure report was submitted in the concerned court. The applicant contends that his batch mates were promoted to Selection Grade, Junior Administrative Grade (JAG) - II in the year 2012 and JAG - I in the year 2016, whereas he is not extended the benefit of such promotions. It is stated that when he made representation to respondent Nos.1 & 2, an objection was raised, stating that the representation shall be channelized through Govt. of NCT of Delhi, and even after a representation through Govt. of NCT of Delhi is made on 06.08.2020, no steps have been taken so far. This O.A. is filed with a prayer to direct the respondents to extend the benefit of promotion to Selection Grade, JAG - II and JAG - I from the dates, he became entitled.

2. We heard Mr. M K Bhardwaj, learned counsel for applicant and Mr. R K Jain, learned counsel for respondent Nos. 1 & 2 and Ms. Sarvana Vasanta for Ms. Esha

Majumdar, learned counsel for respondent No.3, at the stage of admission, through video conferencing.

3. The applicant faced some obstacles in the context of promotion to JAG - II and JAG - I when the case referable to FIR No.32/2002 was pending against him. However, once the closure report dated 28.10.2014 was filed in the concerned court, there should not have been any difficulty in extending him, the benefit of promotion to JAG - II and JAG - I, as and when he became due for that, if he was found fit by the DPC. Once the juniors to the applicant were extended the same several years ago, there cannot be any basis to deny the same.

4. We, therefore, dispose of the O.A. with direction to the respondent Nos. 1 & 2 to pass orders on the representation dated 06.08.2020 for promotion to JAG - II and JAG - I in DANICS, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.