

(2020) 03 CAT CK 0022

In the Central Administrative Tribunal

Case No : Original Application No. 100, 2081 Of 2019

Pravandra Singh, EE (Civil), Group `A`

APPELLANT

Vs

Delhi State Industrial & Infrastructure And Others

RESPONDENT

Date of Decision : 04-03-2020

Acts Referred:

Citation : (2020) 03 CAT CK 0022

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

Bench : Division Bench

Advocate : M.K. Bhardwaj, Eshita Baruah, Priya Barua, Gaurang Kanth

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant was appointed as a Junior Engineer (JE) in the Delhi State Industrial and Infrastructure Development Corporation (DSIIDC) - 1st respondent Corporation in the year 1987. He was promoted to the post of Assistant Executive Engineer (AEE) in the year 2000 and was entrusted the Current Duty Charge (CDC) of the post of Executive Engineer (EE) within a short time thereafter. It is stated that he was appointed as EE on regular basis in the year 2010. It is further stated that in the seniority list published for the post of EE on 19.12.2014, the applicant was shown at serial number 4.

2. The applicant contends that vigilance clearance for the purpose of convening DPC for promotion to the post of S.E. was called on 17.05.2019 and instead of holding the DPC, the respondents appointed one Shri S.N. Sharan as SE on CDC basis. The applicant contends that Shri Sharan was on deputation to the 1st respondent Corporation and only in the recent past, he has been absorbed. He contends that on such absorption, Shri Sharan was required to be shown at the bottom of the seniority list and despite that, he has been put on CDC of the post of SE. In this background, the applicant has filed the present OA, challenging the action of postponing the DPC for the post of SE and for a direction to hold DPC

for regular promotion as well as for CDC for the post of SE.

3. The respondents filed a detailed counter affidavit and thereafter the additional affidavit. They contend that the DPC, as proposed, could not be convened on account of administrative reasons and the applicant cannot insist for its being held on a particular date. It is also pleaded that Shri Sharan held an equivalent post in his parent department and once he was absorbed in the Corporation, his seniority is to be reckoned from the date, on which he was promoted to the equivalent post in his parent department. Reliance is placed upon OM dated 27.03.2001 issued by the DoP&T.

4. We heard Shri M.K. Bhardwaj, learned counsel for the applicant and Ms.Eshita Baruah for Shri Gaurang Kanth, learned counsel for the respondents.

5. The grievance of the applicant is twofold. The first is about non-conducting of DPC for promotion to the post of SE. It may be true that the respondents initiated steps in this direction but did not convene the DPC. Basically, no employee has a right to insist for being promoted and the only right, that law recognizes is the one, for being considered for promotion as and when the DPC meets. Across the bar, it is stated that postponement of DPC did not adversely affect the applicant in as much as he would not have been qualified had the DPC been held in May, 2019. That however is a different aspect of the matter. At the same time, the respondents cannot unduly delay the convening of DPC for promotion to the post of SE.

6. The 2nd grievance is about Shri Sharan being preferred to him for assigning CDC to the post of SE. It is no doubt true that in the seniority list published on 19.12.2014, the applicant figured at fairly high place and name of Shri Sharan did not appear at all. The fact, however, remains that Shri Sharan was absorbed in the 1st respondent Corporation on 27.05.2019. He is stated to have held the equivalent post in the parent department and that is taken into account by the respondents. In case, the applicant has any grievance in this behalf, he has to work out his remedy separately. As things stand now, assignment of CDC of the post of SE on Shri Sharan cannot be found fault with.

7. We, therefore, dispose of this OA directing that the respondents shall take steps for convening DPC as early as possible, but not later than three months from the date of receipt of a certified copy of this order. There shall be no order as to costs.