
(2020) 11 CAT CK 0059

In the Central Administrative Tribunal

Case No : Original Application No. 1784 Of 2020

Renu Ahuja

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 17-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0059

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

Bench : Division Bench

Advocate : Pallavi Awasthi, Anupama Bansal

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant joined the service of Ministry of Defence, Department of Defence production as JSA-II in the year 1983. Thereafter, he was promo

ted to JTO (Scientific) in the year, 2007 and subsequently as JSO. It is stated that he became entitled to be promoted to the post of JSO in the year

2007 itself. The grievance of the applicant is that though there existed large number of vacancies of JSO which is equivalent to SSO-II, the

respondents did not conduct the DPC. It is also stated that the re-organisation of the cadre was to take place on the basis of certain recommendations,

but even that did not take place. With this background, he filed the OA with a prayer to direct the respondents to hold DPC for considering his case

for promotion to the post of JSO/SSO-II and to take a decision for cadre merger.

2. The applicant contends that had the cadre merger taken place and DPC been conducted, he would certainly have been considered for promotion

and that there is no basis for the respondents to deny the same.

3. We heard Ms. Pallavi Awasthi, learned counsel for the applicant and Ms. Anupama Bansal, learned counsel for the respondents at the stage of admission through video conferencing.

4. It may be true that the applicant became eligible to be promoted to the post of JSO on completion of stipulated length of service in the feeder

category. The fact, however remains that the mere acquisition of eligibility or existence of vacancy in the higher post, by itself does not entitle a

person to be promoted. Much would depend upon the need in the service and other administrative factors. Even according to the applicant, there was

a proposal in the year 2015 for re-organisation of the cadres. Whatever be the reasons, the DPC did not meet for quite some time and the applicant

retired from service on 30.09.2020. The question of promoting a retired person does not arise. The only exception is where a junior to him is promoted

to a higher post with effect from the date which is anterior to his date of retirement. In case a JSO who was junior to the applicant was promoted to

the post of SSO before 30.09.2020, the applicant can certainly make a representation.

5. We, therefore, dispose of the OA leaving it open to the applicant to make a representation to the respondents, in case any JTO junior, to him was

promoted too the post of JSO before 30.09. 2020. If the representation is made, the respondents shall consider the same on its own merits.

There shall be no order as to costs.