
(2021) 03 CAT CK 0093

In the Central Administrative Tribunal

Case No : Original Application No. 584 Of 2021

Suresh Biswas & Others

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 16-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0093

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

Bench : Division Bench

Advocate : D.K. Gupta

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Assistant Executive Engineer in the Employees State Insurance Corporation (ESIC). The next promotion is to the post of Executive Engineer.
2. The applicant contends that though there exist vacancies and he is qualified for the post, the respondents are not conducting the DPC, for the posts, referable to panel years 2018-19 and 19-20. He made a representation dated 26.08.2020 and complaining that no action has been taken thereon, he filed this OA.
3. Heard Sh. D.K. Gupta, learned counsel for the applicant, at the stage of admission.
4. The endeavour of the applicant is to convince or require the respondents to take steps for promotion to the post of Executive Engineer. Though the mere existence of vacancies or availability of qualified candidates may not by itself, a factor to direct the respondents to convene the DPC, the circumstances under which the matter is being delayed, need to be addressed. The applicant had a legitimate expectation to be considered for promotion before it is too late.

5. We, therefore, dispose of the OA, directing the respondents to take the necessary steps for conducting the DPC for promotion to the post of Executive Engineer, or to indicate the reasons for not conducting the DPC at present through a communication, to be given within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.