

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item No: 15
M.A./1214/2021
IN
O.A./1545/2020
[VACATION OF STAY ORDER DATED.....]
Court No.: 1

No of Adjournment: 1
Dated: 11/05/2021

PRAVEEN KUMAR
Vs
EMPLOYEES STATE INSURANCE CORPORATION

FOR APPLICANTS(S) Advocate Shri Prateek Dhanda, counsel for applicant
 :

FOR RESPONDENT(S) Sh.Kumar Rajesh Singh and Mr. Padma Kumar S. counsel
Advocate : for respondents

DAILY ORDER

This Tribunal passed interim dated 04.01.2021 staying the promotions to the post of Sr. Deputy Directors in the respondents organization. The same was challenged by the aggrieved parties by filing W.P. (C) No. 3869/2021 before the Hon'ble High Court of Delhi. While disposing the Writ Petition, the Hon'ble High Court expressed the view that the OA itself can be disposed of. The respondents filed an application for vacating the interim order stating that on account of the stay, several posts are lying vacant and it is even difficult for the administration to carry out the functions. Though, we would have taken the OA itself for final hearing, certain factors are coming in the way. The first is that the pleadings are not complete, and some of the contesting respondents, in particular, the DOP&T is yet to file the

counter affidavit. The second is that the summer vacation of the Tribunal has been advanced and only two working days are left. Therefore, we heard the learned counsel for the parties in the context of vacating or modifying the interim order.

2. We heard Mr. Prateek Dhanda, learned counsel for the applicant and Mr. Kumar Rajesh Singh and Mr. Padma Kumar S., learned counsel for the respondents.

3. The issue is about promotion to the post of Sr. Deputy Director. The feeder post is that of Deputy Director. The appointment to that post is by way of direct recruitment or by promotion. The grievance of the applicant in the OA is that the direct recruits were given seniority from the date of their recruitment year/vacancy year.

4. We are of the view that for the present, the promotions can be made on the basis of the seniority arranged according to the date of promotion or appointment as the case may be, referable to a particular year. In other words, the appointment of the persons made by way of direct recruitment or promotion in a particular year shall be arranged on the basis of the respective dates unless there exist any rule to the contrary. Under no circumstances, the persons who were appointed in the subsequent year, shall be placed above the persons who were appointed in the earlier years. The promotions made on the basis of the impugned order shall be subject to the outcome of the OA.

Post on 06.07.2021

Tarun Shridhar
Member (A)

Justice L. Narasimha Reddy
Chairman