

**CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH**

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**Order Sheet**

Item no.: 4  
O.A./507/2021 (CHANDIGARH)  
[ PROMOTION ]  
[ SENIOR CITIZEN ]  
With  
M.A./1109/2021  
Court No.: 1

No of Adjournment: 7

Order Dated: 31/01/2023

**DEV RAJ  
Vs  
M/O DEFENCE**

**For Applicant(s) Advocate :** SH. D.R SHARMA

**For Respondent(s) Advocate :** SH. K. K. THAKUR

**Order of The Tribunal**

**M.A. No.1109/2021**

This application has been filed by the applicant for condonation of delay in filing the original application. It has been submitted by the applicant that applicant has passed requisite exam for promotion to the post of Supervisor B/S Grade-I in the year 2007. In the year 2013, respondents decided to make promotions and the name of the applicant was forwarded to the competent authority on 14.05.2023, 08.05.2023 and 20.05.2023 showing him eligible for promotion against vacancy year 2009-10, 2010-11 and 2011-12 respectively. However, respondents failed to conduct the DPC and applicant retired on 28.02.2015.

After retirement of the applicant, the respondents conducted DPC for promotion for the aforesaid years but the name of the applicant was not considered as he stood retired. Applicant approached the respondents by filing various representations but could not get reply. Ultimately, he

served legal notice dated 31.08.2019, which was replied to by the respondents vide letter dated 07.10.2019 admitting the factual position but no speaking order was passed.

It has been further submitted by the applicant that he filed this O.A. on 11.05.2021. Learned counsel for the applicant submits that in view of the order passed by the Hon'ble Apex Court regarding not counting of Covid-19 period for the purposes of limitation.

Respondents have filed reply wherein it has been submitted that reply to notice was given by them on 07.10.2019 and limitation starts from that date. It has also been submitted that there is no day today explanation of delay.

This Tribunal has considered the matter.

In view of the order passed by the Hon'ble Apex Court for not counting of Covid-19 period for the purposes of limitation, this M.A. is allowed and delay in filing the Original Application is hereby condoned.

M.A. stands disposed of.

### **Original Application**

Reply has been filed by the respondents.

Learned counsel for the applicant submits that rejoinder will be filed during course of the day.

Pleadings are complete.

List for hearing on 18.04.2023.

**Rashmi Saxena Sahni**  
**Member (A)**

**Ramesh Singh Thakur**  
**Member (J)**

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