

**CM-13669-2018 in/and
CWP-24065-2015 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-13669-2018 in/and
CWP-24065-2015 (O&M)
Date of Decision: September 20, 2018**

Sunder Lal

.....Petitioner

Versus

Central Scientific Instruments Organisation, Sector 30, Chandigarh and
another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.S.S.Pathania, Advocate for the petitioner.
Mr.I.S.Sidhu, Advocate for the respondents.

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SURYA KANT, J.(ORAL)

CM-13669-2018

Application is allowed subject to all just exceptions and
Annexures P-6 to P-9 are taken on record.

CM stands disposed of.

CWP-24065-2015

The instant writ petition assails the order dated 13.08.2015 passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity,'the Tribunal'), whereby claim of the petitioner to uphold his promotion given on 23.10.2011, has been rejected though with a direction that the excess pay and allowances be not recovered from him.

[2] The petitioner joined the respondent-Organisation in the year 1995 and he was holding the post of Executive Engineer (Electrical) which is classified as Group III Grade 5 post. He was to be considered for further promotion under the Merit and Normal Assessment Scheme. A plea was

taken before the Tribunal that the petitioner was considered and found unfit on 23.09.2010 and thereafter he could be considered only after five years, hence his reconsideration and grant of consequential promotion on 23.10.2011 was erroneous, which was rightly withdrawn.

[3] In the light of such a plea taken on behalf of the official respondents, it was imperative upon the Tribunal to call for the record and examine whether or not the petitioner was validly assessed and declared unfit on 23.09.2010 as per the prescribed criteria. What were the norms for promotion under the MNAS and was there any minimum benchmark and, if so, on what basis the petitioner was found to have achieved that benchmark etc., are the issues which the Tribunal ought to have discussed briefly. The matter thus does not appear to have been dealt with by the Tribunal in its right perspective. The writ petition is accordingly allowed in part; the impugned order dated 13.08.2015 is set aside and the matter is remitted to the Tribunal to decide the Application afresh and in accordance with law. It is clarified that we have not expressed any views on merits of petitioner's claim.

[4] The parties are directed to appear before the Tribunal on 15.10.2018.

**(SURYA KANT)
JUDGE**

September 20, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**