SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	26.10.2026		**WPSB/337/2026** Union of India and Another --Petitioners **Versus** Dr. J.R. Sharma --Respondent **Hon'ble Manoj Kumar Tiwari, A. C. J.** **Hon'ble Subhash Upadhyay, J.** ***(Per: Hon'ble Manoj Kumar Tiwari, A.C.J.)*** 1. Mr. Rajesh Sharma, learned Standing Counsel for the Union of India/ petitioners. 2. Petitioners have challenged the judgment rendered by Central Administrative Tribunal, Principal Bench (Circuit Bench at Nainital) in OA No.524/2022. By the said judgment, the order passed by the competent authority rejecting claim made by the respondent for promotion was set aside and competent authority was directed to verify and consider the case of the respondent for in situ promotion to Scientist E from the date of eligibility i.e. 01.01.2003 and Scientist F w.e.f. 01.01.2008 with all consequential benefits. 3. Heard learned counsel for the petitioners and perused the record. 4. It is not in dispute that respondent was eligible for promotion as Scientist E w.e.f. 01.01.2003 and for promotion to Scientist F

w.e.f. 01.01.2008, however, due to delay on the part of authorities in holding DPC meeting and also on account of pendency of SLP involving similar issue, respondent's claim for promotion was not considered.

5. Learned counsel for the petitioners concedes that vacancy on promotional posts were available and respondent did not suffer from any disqualification whatsoever and he fairly submits that there was no adverse material against the respondent which would have resulted in denial of promotion to him if DPC meeting was held in time.

6. Learned Tribunal has considered all relevant aspects, including the judgment rendered by Hon'ble Supreme Court. In the case of Union of India and Another Vs. S.K. Murti Apex Court held as under:

> *"In our view, reasons assigned by the High Court for directing the petitioners to promote the respondent with effect from the date of acquiring the eligibility are legally correct and the impugned order does not suffer from any legal error warranting interference under Article 136 of the Constitution.*
>
> *It is not in dispute that vacancies existed when the Departmental Review Committee considered the case of the respondent and other similarly situated persons for promotion. It is also not in dispute that in terms of paragraph 51.25 of the Vth Pay Commission Recommendations, the Departmental Review Committee / Assessment Board was required to meet every six months, i.e.*

in January and July and the promotions were to be made effective from the date of eligibility. Therefore, it is not possible to find any flaw in the direction given by the High Court"

7. Having regard to the facts and circumstances of the case and also the authoritative judicial pronouncement by Hon'ble Supreme Court in similar cases, we do not find any reason to interfere with the judgment rendered by learned Tribunal.

8. The writ petition fails and the same is, accordingly, dismissed.

(Subhash Upadhyay, J.) **(Manoj Kumar Tiwari, A.C.J.)**

26.10.2026 26.10.2026

SS/PP