



2025:DHC:3116-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 30.04.2025

+ W.P.(C) 5466/2025 & CM APPL. 24924/2025
UNION OF INDIA THROUGH ITS SECRETARY & ORS.
.....Petitioners

Through: Mr.Vineet Dhanda, CGSC,
Ms.Akansha Chaudhary, Adv.
with Mr.N.Vijya Kumar, DS-
II(E) Spl, Mr.Hemant Kumar,
SO/E(O) III Spl. Mr.Shyamel
Kumar, SO/E(O) IV) Spl.

versus

RAMESH KUMARRespondent

Through: Mr.Jitendra Kumar Singh,
Ms.Harshita Singh,
Ms.Shivpriya, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 28.11.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in Original Application (O.A.) No. 3608/2019 titled ***Ramesh Kumar v. Union of India & Ors.***, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein with the following directions:

"7. In view of what has been recorded hereinabove, the O.A. is allowed with the following directions:-

7.1 In case a DPC for the Batch of 2003 for extension of JAG did not consider the name of



the applicant, a review DPC be conducted by the respondents.

7.2 If the recommendations of the DPC find favor to the applicant, he be extended JAG after 19.12.2016.

7.3 Accordingly, the extension of benefit of NFSG would also be extended to the applicant on completion of 14 years from the date of appointment when the juniors of the batch of 2003 were extended the same, that is, 01.01.2017.

7.4 In case the DPC has already been conducted for the batch of 2003 for extension of JAG, the respondents shall open the sealed cover and implement the recommendations of the DPC.”

2. The brief background in which the present petition has arisen is that the respondent was appointed as a Group-A Officer in the Indian Railways Store Services on 25.03.2005 and belongs to the 2003 Batch of Officers. He was issued a Chargesheet on 10.01.2012, incorporating nine Charges against him. The Disciplinary Proceedings eventually resulted in the imposition of a major penalty of reduction by three stages in the same group for a period of six months, without cumulative effect, operative from 20.06.2016 to 19.12.2016, *vide* Order dated 20.06.2016.

3. In the meantime, his case for promotion to the Junior Administrative Grade (in short, ‘JAG’) was considered by the Departmental Promotion Committee (DPC) along with the 2003, 2004, 2005, and 2006 Batches. However, the recommendation of the DPC was kept in a sealed cover due to the pendency of the disciplinary proceedings. Eventually, and after the completion of the penalty period, the case of the respondent was considered along with the 2007 Batch, and he was granted JAG with effect from 21.03.2017.



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4. The respondent approached the learned Tribunal contending therein that once the penalty period was over, his case ought to have been considered by the Review DPC along with the 2003 Batch for the benefit of promotion to JAG. The said plea was accepted by the learned Tribunal while passing the Impugned Directions.

5. The learned counsel for the petitioners submits that while the Chargesheet against the respondent is pending, his case is to be kept in the sealed cover. Once the disciplinary proceedings resulted in the imposition of a major penalty, the sealed cover was not to be acted upon, and his promotion was to be considered by the next DPC in the normal course having regard to the penalty imposed on him. In support of his contention, he places reliance on the Circular dated 28.01.1993 issued by the Ministry of Railways.

6. On the other hand, the learned counsel for the respondent, who appears on advance notice, submits that the Impugned Direction issued by the learned Tribunal is only to consider the case of the respondent for extension of the JAG by Review DPC at par with the Batch of 2003, and does not amount to a direction to the petitioners to grant such benefit along with the 2003 Batch Officers.

7. We have considered the submissions made by the learned counsels for the parties.

8. In the present case, the penalty imposed on the respondent by the Order dated 20.06.2016, was a reduction by three stages in the same group for a period of six months, without cumulative effect, operative from 20.06.2016 to 19.12.2016. After the completion of the penalty period, the case of the respondent was to be considered by the



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next DPC in terms of Clause 3.1 of the Circular dated 28.01.1993, which reads as under:

“3.1 If any major penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.”

9. The said Circular merely states that the case of an officer, upon completion of the major penalty, shall be considered by the next DPC in the normal course and having regard to the penalty imposed on him. It does not state that for which Batch the DPC is to consider the case of the respondent.

10. Therefore, in our view, the learned Tribunal has rightly passed the Impugned Direction of the respondent that a DPC be conducted to consider the case for the grant of JAG, despite the penalty imposed upon him, as an officer of the Batch of 2003, and if found entitled for the same, extend such benefit to him after the completion of his penalty period. The case of the respondent for the grant of NFSG can be considered depending upon the outcome of the said DPC.

11. With the above clarification, the present petition and the pending application are disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 30, 2025/Arya/DG

[Click here to check corrigendum, if any](#)