**Important Extracts**

“…………..They ( meaning administration ) were not able to come up with any other valid reason for the delay.”

Para 28

“Therefore, we have no hesitation in holding that the present case will not fall in the category mentioned in para 6.4.1 above, i.e., “where for reasons beyond control, the DPC could not be held” and, therefore, para 6.4.4. would not be applicable. The case, therefore, must be categorized as a case of unexplained delay attributable to administrative laxity/lapses. In fact, although this may not be the case here, such delays can also be deliberate and can be resorted to, to deprive an individual or a group/class of individuals, the benefit of promotion which would accrue to them in normal course had their cases been dealt with promptly. Such a position can not be allowed to continue or go unnoticed”.

Para 29

“The delay in this case has caused material prejudice to the applicant(s) which would be of a permanent and continuing nature as it would affect him (them) at every stage of his(their) career(s), through loss of seniority, delay in further promotions and also monetary loss through out service and perhaps even after retirement (as a result of the drawal of lower pensionary benefits). As this delay has occurred for absolutely no fault on their part, there is considerable justification for considering positively the request of the applicants to antedate their promotion/induction to Group ‘A’ Junior Scale of IRSE from the date when the vacancies actually arose in 2002-2003 instead of from 14.01.2005”.

Para 30

“The respondents have pointed out that if such directions are given for grant of promotion to the applicants to Group ‘A’ from a notional date, i.e. the first day of the vacancy year i.e. 1.04.02 and if along with it, the benefit of antedating of seniority by 5 years is also retained, then it would amount to grant of seniority in Group ‘A’ from 1.04.1997. This would lead to their placement in the integrated seniority list below the junior most direct recruit IRSE officer of 1994 Engineering Services Examination Batch (earliest date of joining in the batch was 02.01.96). We, however, do not find this to be a justifiable reason not to set right the adverse consequences that have accrued to the applicants for no fault of their”.

Para 35

“The impugned notification dated 18.05.2006 is quashed and set aside. The respondents are directed to convene a review DPC to consider the promotion/induction of the applicants from the date when the vacancies arose in 2002-2003, and thereafter to pass appropriate follow up orders with regard to their seniority in Group ‘A’, subject to it being ensured that the seniority accorded does not result in the applicants’ superseding officers who were senior to them in Group ‘B’ and have already been promoted to Group ‘A’. This may be done within a period of three months from the date of receipt of a copy of this order”.