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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.496/2002

New Delhi, dated this the 5th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member(A)

Dr. R.C. Verma
SSO-1, Ministry of Defence
SOAE(GS), Anand Parbat, New Delhi .. Applicant
(Shri Arun Bhardwaj, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Defence, New Delhi
2. Director of Quality Assurance
DGQA(Adm-6B), Department of Defence
Production, Ministry of Defence
New Delhi .. Respondents

(Shri Neeraj Goyal, proxy for Shri Adish C.
Aggarwala, Advocate)

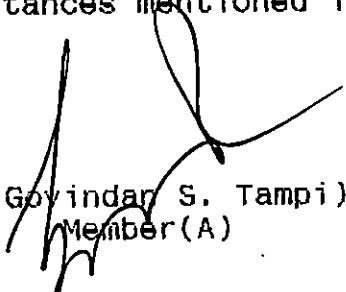
ORDER(oral)

Shri Justice V.S. Aggarwal

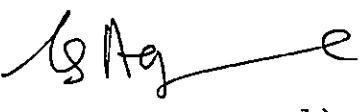
The facts are not much in controversy. We are not dwelling into the detailed facts, therefore, in this regard. Suffice to say that applicant Dr. R.C. Verma is facing criminal case at Lucknow with respect to offences punishable under section 102B read with Section 420 and 201 of Indian Penal Code and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988. The matter of the applicant had come up for the first time before the Departmental Promotion Committee (DPC) on 16.1.2002. Keeping in view the pending criminal case, referred to above, at Lucknow, the case of the applicant has been kept in a sealed cover.

V.S. Aggarwal

2. The grievance of the applicant is that no progress has been made in the aforesaid case pending at Lucknow and, therefore, applicant's promotion should not be withheld unnecessarily to the post of Principal Scientific Officer, while his junior has been promoted. In terms of the DoPT instructions of 14.9.1992, in such a situation the matter has to be reconsidered after two years of the first meeting of the DPC. The said two years has not yet expired. Resultantly, the present OA is disposed of with a direction that after two years of the meeting of DPC, the matter shall be reconsidered by the appropriate authority as to whether the case of the applicant should be considered in the light of the circumstances mentioned in the aforesaid instructions.



(Govindan S. Tampi)
Member(A)



(V.S. Aggarwal)
Chairman

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