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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2045/2002

Tuesday, this the 6th day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri B.D.Sharma
s/o Shri B.S.Sharma
working as Special Ticket Examiner
Northern Railway
New Delhi

..Applicant

(By Advocate: Shri S.K.Sawhney)

Versus

1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi
2. Assistant Vigilance Officer
Northern Railway
Headquarter's Office
Baroda House, New Delhi
3. Divisional Personnel Officer
Northern Railway,
DRM Office, New Delhi

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant, a STE is an aspirant for promotion to the post of Head TCR. He qualified in the written test held for promotion to the post of Head TCR vide list available at A-3. The applicant was thereafter interviewed, but his name did not find place in the list of those finally selected and put on the provisional panel vide letter dated 3.5.2002 (A-4). On the other hand, the proceedings for selection in respect of him were kept in a sealed cover. Meanwhile, those placed on the aforesaid provisional panel were promoted vide orders issued on 10.6.2002 (A-5). Insofar as the applicant is concerned, the disciplinary proceedings pending against

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him in consequence of which the recommendations made were kept in a sealed cover, have culminated in applicant's exoneration vide letter dated 26.6.2002 (A-1). Consequently, relying on paragraph 3.5 of the R.B.E. No.13/93 placed at A-6, which provides as under, the learned counsel appearing on behalf of the applicant prays for a direction to the respondents to open the aforesaid sealed cover and to process the applicant's case for promotion to the post of Head TCR in accordance with the aforesaid Rule (A-6):-

"3.5 Action after completion of disciplinary case/criminal prosecution - If the disciplinary proceedings against the person under suspension etc. for whom a vacancy has been reserved, in the case of promotion to selection posts, is finalised within a period of two years of the approval of the provisional panel, and, in the case of promotion to non-selection posts, is finalised at any point of time, and if the person is fully exonerated or his suspension is held to be wholly unjustified, he may be empanelled enlisted and promoted in his turn. This will also apply to prosecution cases."

2. Before filing the present OA on 5.8.2002, the applicant has filed a representation before the respondent-authority on 1.8.2002 (A-8) seeking consideration of his claim for promotion on the basis of recommendations kept in the sealed cover.

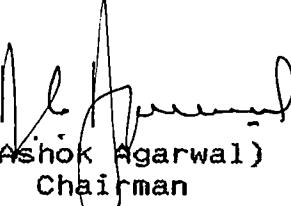
3. Having regard to the submissions made by the learned counsel and the aforesated facts and the circumstances, we find that the interest of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to

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Divisional Personnel Officer, Northern Railway, respondent No.3, to consider the aforesaid representation as also the contents of the present OA and to pass a reasoned and a speaking order in the matter expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. We direct accordingly. In order to ensure expeditious disposal of the present matter, we are inclined further to direct the Assistant Vigilance Officer, Northern Railway, respondent No.2, to make available his report in respect of the applicant to the respondent No.3 within a period of fifteen days from the date of receipt of a copy of this order.

4. The present OA is disposed of in the aforesated terms.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/