

8

Central Administrative Tribunal, Principal Bench

Original Application No.109 of 2002

New Delhi, this the 7th day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Maheshwar Rao,
S/o Shri V.N. Jagannatha Rao
presently posted as Joint Director,
Directorate of Field Publicity, New Delhi
presently residing at A-48, Pandara Road
New Delhi-3

.....Applicant

(By Advocate: Shri Sudhanshu Tripathi)

Versus

1. Union of India
through the Secretary,
Government of India
Ministry of Information & Broadcasting,
'A' Wing, Shastri Bhavan,
New Delhi-1

2. Union Public Service Commission
Through its Chairman
Dholpur House, Shahjahan Road,
New Delhi-11

3. Mr. S. Narendra
84, National Media Centre,
Nathpura,
Gurgaon-122 001
(Haryana)

4. Dr. O.P. Kejariwal,
Director,
Nehru Memorial Trust,
Teen Murti Bhawan, Teen Murthi Marg,
New Delhi

.....Respondents

(By Advocate: Shri R.P. Aggarwal, for respondent no.1
Shri Madhav Panikar, for respondent no.2)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant who is an officer of Indian Information Service, 1973, assails the decision of the respondents in not promoting him to the Senior Administrative Grade.

2. During the course of submissions, it was not



disputed that a penalty was imposed on the applicant in the year 1997. He had preferred O.A.No.1780/98 and it was dismissed by this Tribunal on 26.7.2000. In judicial review, the applicant has filed a Civil Writ Petition in the Delhi High Court against the decision of this Tribunal which is stated to be pending.

3. During the course of submissions, therefore, it was not disputed that the case of the applicant is considered whenever departmental promotion committee meetings are held. It is also not in controversy at either end that if ultimately the penalty imposed in the year 1997 is set aside, it will have its necessary impact on the departmental promotion committee meeting that may be held thereafter. Even if that order is not set aside, it will have its own impact on the ultimate promotion of the applicant.

4. As agreed therefore and in the absence of any controversy at either end, we dispose of the present application directing that the case of the applicant should be considered -

(i) in the departmental promotion committee meeting that would be held, as per the record;


(ii) if the order passed by this Tribunal on 26.7.2000 is upheld in the further

LS Ag

10

litigation that is pending or set aside, it will have its impact and departmental promotion committee shall consider the same.

O.A. is disposed of accordingly.


(M.P. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/dkm/