



**Central Administrative Tribunal  
Principal Bench**

**OA No.2654/2014**

New Delhi, this the 2<sup>nd</sup> day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Mrs. Sonia Sharma  
Age 40 years,  
D/o Sh. T. L. Sharma  
Designation-Sr. Commercial Clerk,  
Group-C,  
R/o Parmarth Apartment,  
Flat No.37, Vikaspuri,  
New Delhi 110 018. ... Applicant.

(By Advocate : Shri Gaurav Sharma)

Vs.

Union of India through

1. The General Manager  
Northern Railway,  
Baroda House,  
New Delhi.
  
2. The Divisional Railway Manager  
State Entry Road,  
New Delhi. ... Respondents.

(By Advocate : Shri Krishna Kant Sharma)

**: O R D E R (ORAL) :****Justice L. Narasimha Reddy, Chairman:**

The applicant was working as Commercial Clerk in the Northern Railway. She was imposed the punishment of withholding of increments from March, 1997 to March, 1999, i.e., for a period of three years. During that period, her juniors were promoted to the post of Senior Commercial Clerk. On expiry of the period of punishment, the applicant was also promoted, and her pay scale was also restored.

2. The applicant made a representation on 31.10.2013 with a request to treat her promotion with effect from the date on which her juniors were promoted. The same was rejected by the respondents through order dated 24.12.2013. This OA is filed challenging the order dated 24.12.2013, and with a prayer to declare the action of the respondents in not extending the benefit of promotion on par with her juniors, as illegal and arbitrary.

3. The applicant contends that once the pay scale has been restored on her promotion, the promotion was to be treated as effective from the date on which her juniors were promoted.



4. The respondents filed the counter affidavit opposing the OA. It is stated that the promotion of the applicant was denied at the relevant point of time on account of the operation of the punishment, and the mere fact that the pay scale was restored on expiry of the period of punishment, does not lead to the retrospective promotion of the applicant.

5. We heard Shri Gaurav Sharma, learned counsel for the applicant and Shri Krishna Kant Sharma, learned counsel for the respondents.

6. The facts are borne out by record. The applicant was imposed the punishment of withholding of increments for a period of three years from 1997 to 1999. Promotion to the post of Senior Commercial Clerk took place at a time when the punishment was operating against the applicant. No exception can be taken to the denial of promotion to the applicant at a time when he was serving with the punishment.

7. The stoppage of increments ordered against the applicant was without cumulative effect. Naturally, on expiry of the period of punishment, the denied increments would be restored. That does not mean that the punishment in its entirety is



wiped out. The disqualification for being considered for promotion remains very much intact even when the increments which were stopped by way of punishment are restored.

8. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

**(A. K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/