

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No 2227/2001

New Delhi this the 10<sup>th</sup> day of April, 2002

Hon'ble Shri V.K. Majotra, Member(A)  
Hon'ble Shri Kuldip Singh, Member (J)

Shri B.K. Dutta  
Head TTE.,  
Under Divisional Rly. Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

-Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through:

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.
3. The Sr. Divisional/Commercial Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.
4. Divisional Commercial Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

-Respondents

(By Advocate: Shri D.S. Jagotra)

O R D E R

Hon'ble Shri V.K. Majotra, Member (A)

Applicant while working as STE/New Delhi was placed under suspension from 14.7.1987 to 9.6.94. CBI filed criminal case against the applicant on the basis of FIR No.RC-10/87 in 1989 before the Special Judge, Delhi. On the ground that charge sheet was filed in 1989 and CBI had not filed the original documents in the

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court, The Special Judge on 25.1.94 ordered the file to be consigned to record room and to be revived when the CBI files the original documents. The applicant was placed again under suspension from 18.7.94 to 25.2.2001 on the basis of a criminal case of kidnapping and extortion against the applicant. Applicant was acquitted on 2.7.99. The applicant filed OA-852/95 against inaction of respondents in not considering his case for promotion including ad hoc promotion to the post of Head Ticket Examiner (HTE) w.e.f. 1.3.1993 in terms of respondents' relevant orders. This Tribunal observing that respondents had not placed anything on record to show what further action had been taken in the matter after consignment of the file to record room as ordered by the learned Special Judge, on 31.10.1996 disposed of the said OA as follows:-

"In the facts and circumstances of the case and having regard to the provisions of the Railway Board RBE No. 211/98, the respondents are directed to consider the case of the applicant for ad hoc promotion and pass a reasoned and speaking order within two months from the date of receipt of a copy of this order".

2. Applicant has been promoted as Head T.T.E (Grade Rs.5000-8000) on ad hoc basis vide order dated 12.7.2001. In the present case the applicant has sought promotion as Head T.T.E. and Junior Ticket Inspector (JTI) from the date his juniors have been promoted with consequential benefits.

3. Shri B.S. Mainee, learned counsel of the applicant contended that whereas CBI proceeded against

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the applicant in 1989, no charge sheet has yet been issued against him despite the fact that the CBI case in the court was consigned to record room on 25.1.94. Although the Court had ordered revival of the court case against the applicant when the CBI filed original documents in the court, no progress towards revival of the case has been made although several years have passed since then. In this background the learned counsel submitted that applicant should be accorded promotion to the post of Head T.T.E and JTI on regular basis from the dates when his juniors were so promoted.

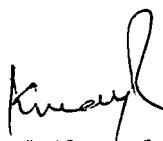
4. On the other hand Shri D.S. Jagotra, learned counsel of respondents stated that in compliance of this Tribunal's orders of 31.10.1996 in OA-852/95, the respondents have already granted promotion to the applicant on ad hoc basis to the next higher grade of Head T.T.E (Grade Rs.5000-8000) and thus, the applicant is not entitled for any further promotion.

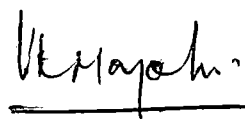
5. We note that in pursuance of this Tribunal's orders in OA-852/95 passed on 31.10.96, respondents have granted promotion to the applicant to the post of Head T.T.E. on ad hoc basis and as such the present OA can be considered only for the relief regarding promotion to the applicant as JTI from the date from which his juniors were promoted. As per orders of the Special Judge in the CBI case instituted against the applicant, the court case can be revived on production of original documents by the CBI before the court. Respondents have not established any progress towards production of such

original documents before the court and thus, the CBI case has not been revived although the event alleged against the applicant pertains to the year 1987 and criminal proceedings were initiated on the basis of FIR filed in 1989. Consequently the circumstances on the basis of which this Tribunal passed orders dated 31.10.96 in OA-852/95 persist still. In view of the fact that juniors of the applicant have been further promoted from the post of Head T.T.E. to JTI. Justice demands in the facts and circumstances of the case that the promoting authority should review applicant's case for further ad hoc promotion to the post of JTI (Grade Rs.1600-2660) from the date applicant's junior was promoted.

6. In the facts and circumstances of the case and treating this matter as a special case, the respondents are now directed to consider the case of the applicant for ad hoc promotion to the post of JTI from the date applicant's junior was promoted by passing a reasoned and speaking order within two months from the date of service of this order. Such promotion, if accorded, shall be subject to reconsideration <sup>on the basis</sup> of the result of the CBI case on its revival in court.

7. OA is disposed of as above. No order as to costs.

  
(Kuldip Singh)  
Member (J)

  
(V.K. Majotra)  
Member (A)

cc.