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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2840/2001

Wednesday, this the 17th day of October, 2001

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

Shri S.P.Matta  
s/o Shri K.C.Matta  
r/o S-2/374, Sadiq Nagar,  
New Delhi

..Applicant  
(By Advocate: Dr. J.C.Madan)

Versus

1. Union of India  
through Secretary  
Ministry of Defence  
South Block, New Delhi-11
2. The Financial Adviser (Defence Services)  
Ministry of Defence (Finance Division)  
Govt. of India,  
South Block, New Delhi-11.
3. The Controller General of Defence Accounts  
West Block-V, R.K.Puram  
New Delhi-66.

..Respondents

O R D E R (ORAL)

By Hon'ble Shri S.A.T. Rizvi, AM:-

Heard the learned counsel for the applicant.

2. The applicant was approved for promotion from the post of Assistant Accounts Officer to the post of Accounts Officer by the DPC held in December, 1997. Thereafter, officers junior to him have been promoted as Accounts Officer in July, 1998 leaving out the applicant. Aggrieved by the same, the present OA has been filed seeking a direction to the respondents to promote the applicant.

3. By the impugned letter dated 18.3.1999 (Annexure A-1), the respondents have refused to promote the applicant by relying on certain provisions made in DOPT's OM of 14.9.1992.

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4. The learned counsel appearing on behalf of the applicant submits that after the applicant had been empanelled for promotion as above, he was placed under suspension in June, 1998 and was proceeded against departmentally. A major penalty was imposed on him by disciplinary authority's order dated 10.2.2000 and the same was upheld by the appellate authority by his order of 20.9.2000. The aforesated facts have not been incorporated in the OA, but find a casual reference in Annexure A-2 filed by the applicant.

5. A copy of the DOPT's OM dated 14.9.1992 relied upon by the respondent-authority in the impugned letter dated 18.3.1999 has not been placed on record. However, it is clear to us that the applicant could not be promoted for valid reasons as he came under adverse notice and was proceeded against departmentally even before the applicant's juniors were promoted in July, 1998. The applicant cannot, in the circumstances, have a grievance in the matter as he seems to have been correctly left out by the respondent-authority by relying on the aforesaid OM of 14.9.1992. The applicant has already retired on 30.4.2001.

6. The learned counsel appearing on behalf of the applicant submits that the order imposing ~~the~~ penalty on the applicant has been challenged before the Allahabad Bench of this Tribunal where it is currently pending. In view of this, there can be no case, in our view, for interfering with the impugned letter of 18.3.1999 which seems to have been correctly issued.

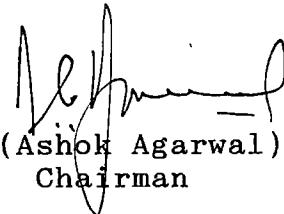
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7. At this stage, Dr. J.C.Madan, learned counsel makes prayer for withdrawal of the OA. The prayer is granted, and, in the circumstances, the OA is dismissed as withdrawn.



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



(Ashok Agarwal)  
Chairman

/sunil/