

Central Administrative Tribunal
Principal Bench

O.A. No. 908 of 2001

New Delhi, dated this the 26th February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Manish Sharma,
S/o Shri Anand Prakash Sharma,
R/o Flat No.62, Sanjay Enclave,
Delhi-33 ..Applicant.
(By Advocate: Shri P.S.Mahendru with Shri S.K.Anand)

Versus

1. The Govt. of NCT of Delhi
through
Chief Secretary,
5-Sham Nath Marg,
Delhi.
2. The Secretary(Services)
Govt. of NCT of Delhi,
Old Secretariat,
Delhi.
3. The Commissioner,
Food & Supplies & Consumer Affairs,
Govt. of NCT of Delhi,
K-Block, Vikas Bhawan,
New Delhi .. Respondents.

(By Advocate: Shri Ajesh Luthra)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 5.12.2000 (Annexure-A/1) and seeks inclusion in DASS Gr.III with effect from the date his immediate junior was so included with consequential benefits.

2. Heard.

2. Applicant himself avers that while working as Sub Inspector, he was placed under suspension vide order dated 16.5.95 on the grounds that disciplinary proceedings were contemplated against him, and the suspension was later revoked on 16.10.96. Those

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disciplinary proceedings related to certain allegations of corruption which were being investigated into by Anti Corruption Department, GNCT. A DPC meeting was held on 24.10.2000 to consider promotion to DASS Gr.III. Applicant's case was considered in that DPC, but his case was deferred to the next DPC due to vigilance angle involved in the case. Excerpts from the DPC meeting as quoted by respondents in their reply are extracted below:

"Shri Manish Sharma 10466 Vigilance case pending under Rule 14 CCS(CCA) Rules. Charge sheet yet to be filed.

In these cases the DPC desired that complete facts like copies of chargesheet/nature of cases etc. are to be taken from the concerned department and these cases be put up in the subsequent DPC. After considering all the cases....."

5. Based upon the recommendations made by DPC in its meeting held on 24.10.2000, respondents have issued impugned order dated 5.12.2000 in which applicant's name does not find mention.

6. Applicant contends that on the date of DPC meeting no charge sheet had been served upon him. Respondents in their reply have explained the reasons for the delay in issuing the chargesheet (in their reply dated 2.7.2001 it has been stated that the

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chargesheet had since been served upon applicant), but in the absence of clearance from vigilance angle, the DPC in its meeting dated 24.10.2000 cannot be faulted for deferring a decision regarding applicant's promotion to the next DPC.

7. In this view of the matter the ruling in State of M.P. Vs. Bani Singh AIR 1990 SC 1308 cited by Shri Mahendru does not help the applicant.

8. The OA is therefore dismissed. No costs.

Kuldeep
(KULDIP SINGH)
Member (J)

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(S. R. Adige)
Vice Chairman (A)

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