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Central Administrative Tribunal
Principal Bench

O.A. No. 1513 of 1999

New Delhi, dated this the 6th July, 2000

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

Chandra Kant Ravivanshi,
S/o Shri Khawani Singh
R/o B-248, Nanakpura,
New Delhi-110021. Applicant

(By Advocate: Shri Harvir Singh)

Versus

1. Union of India through
the Secretary,
Ministry of Scicence & Technology,
Dept. of Science & Technology,
Technology Bhawan,
New Delhi-110016.
2. Surveyor General,
Survey of India,
Hathi Barkala,
Dehradun-248001 (U.P.)
3. Addl. Surveyor General,
Map Publication,
Hathi Barkala,
Dehradun-248001 (U.P.)
4. The Director,
Office of Director Survey (AIR),
West Block No. 4,
R.K. Puram, New Delhi-110066.
5. Mr. J.K. Kapoor,
Estt.-cum-Accounts Officer,
Office of the Director Survey (AIR),
West Block No. 4,
R.K. Puram,
New Delhi-110066. Respondents

(By Advocate: Shri Rajeev Bansal)

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

Heard both sides.

2. It is not denied that when a DPC was held on 12.11.98 to consider the case of applicant for promotion from Office Superintendent to

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Estt.-cum-Accounts Officer, no charge sheet had actually been issued to applicant. Respondents contend that issue of charge sheet to applicant on that date was under contemplation, and was issued subsequently in April/May, 2000.

2. Applicant's counsel Shri Harvir Singh states that the charge sheet issued in April/May, 2000 contained charges which were identical with those contained in the criminal case alleging defalcation of Govt. money in which applicant was acquitted on 13.4.98, and in any case as no charge sheet has been served on applicant on the date the DPC met on 12.11.98, the DPC could not have kept applicant's result in a sealed cover. He relies upon Hon'ble Supreme Court's ruling in Union of India & Ors. Vs. Dr. (Smt.) Sudha Salhan, wherein it has been held

"If on the date on which the name of a person is considered by the DPC for promotion to a higher post, such person is neither under suspension nor has any departmental proceedings been initiated against him, his name, if he is found meritorious and suitable, has to be brought on to the select list and the sealed cover procedure cannot be adopted."

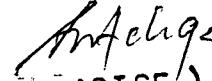
3. In view of the aforesaid ruling this OA succeeds and is allowed to the extent that respondents are directed to open the sealed cover forthwith and if the DPC has found applicant fit for promotion as EAO, grant him promotion with effect from the date of the DPC recommendations i.e. 12.11.98. These directions should be fully complied with, within

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two weeks of receipt of a copy of this order, as
we are informed that applicant is retiring upon
superannuation on 31.7.2000. No costs.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A)

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