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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No.1081/98

New Delhi: this the 7th day of March, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Inderjeet Khatri,
P.M., Northern Railway,
Karnal

..... Applicant.

(By Advocate: Shri B.S. Maini)

Versus

Union of India
through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The General Manager,
Northern Railway,
State Entry Road,
New Delhi

..... Respondents.

(By Advocate: Shri R.P. Agarwal)

ORDER

SHRI S.R. ADIGE VC (A)

Applicant impugns respondents' order dated 11.8.97 (Annexure-A-1) and seeks consideration for promotion as P.M. Gr.I with immediate effect with consequential benefits.

2. Admittedly applicant was promoted as P.M. Gr.II (Rs. 1600-2660) on adhoc basis vide order dated 31.1.89 (Annexure-A2), pursuant to a criminal case pending against him under secs. 420/468 IPC vide chargesheet (Annexure-A3). Meanwhile applicant's juniors have been promoted as P.M. Gr.I. The impugned order dated 11.8.97 states that applicant's case for promotion as P.M. Gr.I was considered, but having regard to the fact that the charges against applicant are very grave; the delay in finalisation of the criminal case is directly attributable to applicant,

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and considering the ground on which adhoc promotion was granted to applicant, it is not considered prudent to grant any further adhoc promotion to him.

3. Heard both sides.

4. The FIR was instituted in 1979 and the criminal case against applicant is over 21 years' old. There is no certainty as to when it is likely to be concluded. The impugned order dated 11.8.97 by which applicant's case for promotion as PWI Gr.I was reviewed, is itself nearly 2½ years' old, and no materials have been furnished by respondents to indicate that applicant's case for promotion as PWI Gr.I was reviewed thereafter. It is neither fair nor equitable to deny consideration of applicant's claim for promotion because of a criminal case instituted against him over 21 years ago which shows no signs of being concluded in the near future.

5. In the particular facts and circumstances of this case therefore, and in the interest of justice, the OA succeeds and is allowed to the extent that respondents are directed to reconsider applicant's case for promotion as PWI Gr.I, It will be open to respondents to make the promotion subject to the outcome of the criminal case said to be pending against applicant. These directions should be implemented within 3 months from the date of receipt of a copy of this order.

No costs.

Kuldeep
(KULDIP SINGH)
MEMBER(J)

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

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