

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 65/2000

IN

OA No. 2412/94

New Delhi: this the 31st day of August, 2000.

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

HON'BLE DR. A. NEDAVALLI, MEMBER (J)

Jagdish Prasad Verma,
S/o Shri Jagan Nath,
Chief Booking Clerk,
Northern Railway,
Nizamuddin,
New Delhi.

R/O 3 E-35, Nehru Nagar,
Ghaziabad (UP)Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

1. Shri S.P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Shri Rakesh Chopra,
Divl. Railway Manager,
Northern Railway,
State Entry Road,
New DelhiRespondents

(By Advocate: Shri R.L. Dhawan)

ORDER

Mr. S.R. Adige, VC (A):

Heard both sides on C.P. No. 65/2000.

2. By the Tribunal's order dated 23.8.99, respondents were directed to consider, in accordance with rules and instructions, applicant's case for promotion to the grade of CBS (Rs. 2000-3200) with all consequential benefits with effect from the date his immediate junior was so promoted.

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3. Pursuant to the above direction, respondents have issued order/notice dated 8.6.2000 (Annexure-R-1) and dated 21.6.2000 (Annexure-R-2) placing applicant and the provisional panel of CBS (Rs.2000-3200/6500-10500) at item No.12 A of the panel. In this connection in Notice dated 21.6.2000 respondents have stated that applicant was awarded WIT punishment of 2 years on 9.6.95 and punishment of WIT one year on 30.6.95 and subsequently on his appeal the punishment of WIT one year was reduced to 6 months WIT and hence he could not be promoted as CBS on 28.12.95 on which date his junior Shri Ram Oak Singh was so promoted, and he was eventually promoted only on 1.6.98.

4. During arguments Shri Bhandari contested respondents' assertion that applicant had been punished with 2 years' WIT with effect from 9.6.95, contending that applicant had never been served with the punishment order but we find that the copy of punishment order is pasted in applicant's service-book, and there is also mention of the same in regard to applicant's pay fixation. Furthermore, applicant had also challenged this assertion in his representation dated 20.8.98, to which respondents sent reply to the applicant, pointing out the vigilance case in which the punishment was ordered. Copies of applicant's representation dated 20.8.98 and respondents' reply dated 27.8.98 are on record.

5. In the light of the above, it cannot be said that respondents have wilfully and deliberately disobeyed the Tribunal's order dated 23.8.99.

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6. The C.P. is dismissed. Notices discharged.

A. V. Darbari
(DR. A. VEDAVALLI)
MEMBER (J)

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

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