

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1752/96

(16)

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 23rd day of February, 2000

Shri Amar Singh
s/o Shri Bhagwana
working as Warder
Roll No.264
B-9, Double Storey
Jail Staff Qrs.
Central Jail, Tihar
New Delhi - 110 064. Applicant

(By Shri S.C.Luthra, Advocate)

Vs.

1. Govt. of N.C.T. of Delhi
through its Secretary
Ministry of Home
5, Shannath Marg
New Delhi.
2. Inspector General (P)
Central Jail, Tihar
New Delhi - 110 064. Respondents
(None)

O R D E R (Oral)

By R.K.Ahooja, Member(A)

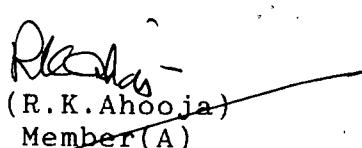
The applicant had been working as a Warder in the Central Jail since 12.5.1970. In 1983, 370 male students of JNU and 50 female students were admitted in Central Jail, out of whom 67 prisoners - 4 female prisoners and 63 male prisoners managed to escape. As a consequence, four FIRs were lodged in the Police Stations of Janakpuri and Vasant Vihar. The FIRs against the JNU students at Janakpuri Police Station were later withdrawn by the Delhi Administration, while FIR No.117 against the Jail Officers under section 223 IPC was filed in the Court of Judicial Magistrate. The applicant was also an accused in that

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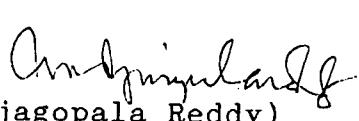
case. His grievance is that though his juniors have been promoted, his case has not been considered by the respondents.

2. The respondents in the reply have stated that even though the criminal case is going on, the applicant has been promoted to the post of Head Warden w.e.f. 11.12.1996 on ad hoc basis. The learned counsel has pointed out that as per the order of the PCMM dated 7.6.1997 the case against FIR No.117 of 17.5.1983 has been allowed to be withdrawn, and accordingly all the accused have been discharged.

3. It would appear therefore that the criminal case against the applicant having been withdrawn there is no hurdle on the way of the respondents in opening the sealed covers in which the recommendations of the DPC were kept pending the decision in the criminal case. Accordingly, we direct the respondents to open the DPC recommendations kept in the sealed cover and thereafter if the DPC has found the applicant fit for promotion consider him to promote to the next post in the light of the recommendations of the DPC. If the applicant has become due on the basis of the recommendations, for any other further promotion, he will also be considered for the same along with his juniors. The applicant will also be entitled to all consequential benefits. The OA is disposed of accordingly. No costs.


(R.K.Ahooja)
Member(A)

/rao/


(V.Rajagopala Reddy)
Vice-Chairman(J)