

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...

OA No.1141/97,MA 1605/97

New Delhi, this the 29th day of July, ,1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri K.Muthukumar, Member (A)

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Purushottam Dass  
s/o Late Shri Adil Ram,  
R/o G-4, Type V,  
New Police Lines,  
Kingsway Camp,  
Delhi- 110 009.

...Applicant

(By Advocate: Shri C.M.Shree Kumar)

-versus-

Union of India through

1. Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi.

2. Lt. Governor of Delhi,  
Rajniwas Marg,  
Delhi- 110 054.

...Respondents

(By Advocate: Shri N.S.Mehta)

O R D E R (ORAL)

[By Dr. Jose P. Verghese, Vice-Chairman (J)]

By our order dated 28.5.1997, for the reasons stated therein, a direction was given to the respondents to consider the case of the petitioner as and when the promotion to the next grade is considered on an ad hoc basis. We had passed this order on an additional reason that the OM dated 14th September, 1992 does not envisages a situation as it is available in this case. The Para 5.1 of the said OM envisages a situation where regular promotions are made and there is a delay in finalisation of the proceedings. The respondents are directed under the said OM to consider such persons against whom the disciplinary proceedings are pending for ad hoc


promotion. That is not the case of the petitioner here. Here the promotion that is taking place itself is on ad hoc basis. In view of that, our order dated 28.5.1997 has to stand.


(6)

Since we had passed our orders on 28.5.1997 without notice to the respondents, in any case, our order is only that the respondents shall consider the petitioner for ad hoc promotion if he is otherwise eligible in accordance with the Rules on all other counts except the disputed pendency of the disciplinary proceedings. In case the proceedings are continued and the penalty is imposed in accordance with the Rules, the respondents are given liberty to review the promotion which may be given to them on ad hoc basis in the light of the penalty imposed at that time in accordance with the Rules including reversion.

Respondents shall consider him for an ad hoc promotion, if he is otherwise eligible under the Rules, within eight weeks from the date of receipt of a copy of this order and communicate the result to the petitioner by registered AD post.

In view of the facts and circumstances, this OA as well as MA is disposed of with no order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Dr. Jose P. Verghese )  
Vice-Chairman (J)