

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-276/97

New Delhi this the 22nd day of August, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Mahaveer Singh,  
Dy. Supdt. Grade-I,  
WZ 63, IInd Floor,  
Mukh Ram Park Extn.,  
Tilak Nagar, New Delhi-18.

..... Applicant

(through Sh. P.L. Mimroth, advocate)

versus

1. Union of India  
through Secretary M.H.A.,  
North Block, New Delhi.

2. Govt. of NCT.,  
through Chief Secretary,  
5, Shamnath Marg,  
Delhi.

3. Inspector General (Prisons)  
Central Jail, Tihar,  
New Delhi-64.

..... Respondents

(through Sh. Arun Bhardwaj, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The applicant in this case had approached this Tribunal twice and the observations made in both those cases are very relevant especially because there has been suspension and chargesheet on 5 occasions and none of those proceeding resulted in awarding any penalty against the applicant. The applicant has been exonerated in all the chargesheets. In pursuance to one of the orders of this Tribunal, the respondents passed an order to the following effect:-

"Consequent upon his exoneration from the charges levelled against him and in continuation of this Government's order

of even number dated 12.1.95, Chief Secretary Delhi is pleased to promote Sh. Mahabir Singh to the post of Deputy Superintendent (Grade-II) on regular basis w.e.f. 1.7.87 on the recommendations of Departmental Promotion Committee dated 3.6.87."

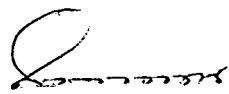
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The respondents themselves promoted the applicant in 1987 as Dy. Superintendent Grade-II. He was eligible for consideration to the post of Dy. Superintendent Grade-I w.e.f. 1.7.90 or in any D.P.C. that has been held thereafter. By a decision of this Tribunal given on 10.6.94 in OA-489/88, the Tribunal directed the respondents to give an appropriate relief to the applicant and it was also observed therein that the applicant also shall be considered for further promotion in accordance with law as and when it was due. In pursuance to the said order, the applicant is now claiming that he is entitled to promotion w.e.f. 1.7.90 at the time when he completed the required length of service to the post of Dy. Supdt. Grade-I or he should have been considered by a DPC that has been held on any date subsequent to 1.7.90 when he became eligible under the recruitment rules.

The respondents on the other hand submitted that the applicant has been given an ad hoc promotion to the post of Dy. Supdt. Grade-I w.e.f. 9.10.96 without stating whether between 1990 and 1996 any other DPC has been held to consider the promotion to the post of Dy. Supdt. Grade-I. If it has not been held in accordance with the extant rules, the promotion should have been considered yearwise according to the number of vacancies arose in a given year. In the circumstances, the only direction that this Tribunal will have to issue now is

that the applicant shall be considered by a review DPC any time after 1.7.90 by the next DPC which has considered the promotion of any of the persons to the post of Dy. Supdt. Grade-I in accordance with the rules. It goes without saying that the said consideration shall be in accordance with the Recruitment Rules including the rules governing reservation. (3)

Thereafter the applicant shall be given the benefit of the result of the said DPC and further promotion at the time when he becomes due for consideration and in such cases the respondents shall hold a review D.P.C. to the post of Superintendent as and when the applicant became due in accordance with the rules and subject to rules on reservation. Liberty is given to him to challenge the Recruitment Rules regarding the post of Supdt. Jail. With these orrders, this O.A. is disposed of. No costs.

  
(S.P. Biswas)  
Member (A)

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

/vv/