

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 802 of 1997

New Delhi, dated this the 24 December, 1998

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

Shri V.K. Chaturvedi,
S/o late Shri Anand Prasad Chaturvedi,
Plot No. 13-C, Anand Bhawan,
Shivsagar Colony,
Sanganer Circle, Jaipur
Presently Stenographer in NSG Project,
Central Circle, CPWD,
Manesar, Gurgaon,
Haryana. 2A Applicant

(By Advocate: Shri A.K. Bhardwaj)

Versus

1. Union of India through
the Secretary,
Ministry of Urban Development,
Central Public Works Dept.,
Nirman Bhawan, New Delhi.
2. The Director General (Works),
C.P.W.D., Nirman Bhawan,
New Delhi.
3. Superintending Surveyor of Works,
(Food Zone), C.P.W.D.,
4th Floor, I.P. Bhawan,
New Delhi.
4. Superintending Engineer,
NSG Project Circle, CPWD,
NSG Campus, Manesar,
Gurgaon (Haryana).
5. Superintending Engineer,
Jaipur Central Circle,
C.P.W.D., Jaipur.
6. Executive Engineer,
Jaipur Central Division,
C.P.W.D., Statute Circle,
Jaipur. 2A Respondents

(By Advocate: Shri K.C.D. Gangwani)

O R D E R

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

Applicant impungs respondents' order dated
24.7.96 (Ann. A-8) rejecting his representation
for crossing of E.B. w.e.f. 1.4.88.

2. Heard both sides.

2/

3. Respondents do not deny that an increment was due to applicant upon his crossing E.B. on 1.4.88, but he was not allowed to cross the same on 1.4.88 owing to the pendency of a departmental proceeding against him vide charge sheet dated 16.9.88. That D.E. ended in applicant's exoneration vide order dated 25.1.94 (Ann. A/1). Applicant's case was placed before the competent authority for a decision regarding crossing of E.B. and eventually he was allowed to cross the E.B. w.e.f. 1.4.90 (Ann. A/4) vide order dated 3.7.95.

4. No reasons have been given in respondents' reply or by respondents' counsel during hearing why applicant was allowed to cross E.B. w.e.f. 1.4.90 and not w.e.f. 1.4.88. A plea has been taken by respondents' counsel during hearing that the O.A. has been filed with delay and is hence hit by limitation, but this plea is rejected in the absence of any materials furnished by respondents as to why applicant was allowed to cross E.B. only w.e.f. 1.4.90 when he became eligible to cross it w.e.f. 1.4.88, he having been exonerated of the charges against him the D.E. Furthermore the impugned order dated 24.7.96 ~~is~~ and ~~was~~ cryptic in nature, and does not disclose any reasons ~~the~~ ^{is} records as to why applicant's representation was rejected.

5. In the result this O.A. succeeds and is allowed to the extent that the impugned order dated 24.7.96 is quashed and set aside and respondents are directed to consider applicant's case for crossing E.B. and increments w.e.f. 1.4.88 by means of a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant within three months from the date of receipt of a copy of this order. No costs.

Anil Agarwal
(S.R. Adige),
Vice Chairman (A)

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