

Central Administrative Tribunal  
Principal Bench

27

OA-2268/94

New Delhi this the 20th day of November, 1996.

Hon'ble Mr. S.R. Adige, Member (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Nand Kishore,  
S/o Sh. Ramji Lal,  
R/o House No.8438,  
Arya Nagar,  
Pahar Ganj,  
New Delhi-110055.

...Applicant

(By Advocate Sh. B.B. Raval)

Versus

1. Union of India  
through the Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi-110001.
2. The Secretary,  
Research and Analysis Wing,  
Cabinet Secretariat,  
Government of India,  
Room No.8-B, South Block,  
New Delhi-110 011.
3. Shri Gurmit Ram,  
Employed as Assistant Field  
Officer (General Duty) in the  
Research and Analysis Wing,  
Presently posted under:  
Deputy Commissioner,  
Special Bureau: Amritsar.  
C/o Respondent No.2.
4. Sh. M.S. Dhing Pawar,  
Assistant Field Officer (G/d)  
in the Research and Analysis Wing,  
Presently posted under:  
Deputy Commissioner,  
Special Bureau: Leh  
C/o : Respondent No.2.

...Respondents

(By Advocate Sh. M.K. Gupta)

ORDER (Oral)  
(Hon'ble Mr. S.R. Adige)

The applicant seeks promotion to the post of  
Assistant Field Officer in the Research and Analysis  
Wing, Cabinet Secretariat with effect from the date  
his junior was promoted.

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2. Admittedly, the post is a non-selection post, and the applicant was considered by the DPC held on 7.12.89, but as a penalty of censure was inflicted upon him consequent to a departmental proceeding vide order dated 16.8.90, which was confirmed in appeal vide order dated 15.1.91, the applicant's case for promotion was kept in a sealed cover.

3. In this connection, our attention has been invited to C.A.T. Calcutta Bench's judgement dated 8.7.88 in Bhupati <sup>Kumar</sup> Sardar vs. Union of India (1989 (10) ATC 209, in which it has been held that censure is no bar to promotion. Respondents' counsel has not been able to show any material, to enable us to hold that the said judgement has not become final.

4. Under the circumstances, this O.A. is disposed of with a direction to the respondents that after disregarding the penalty of censure inflicted upon the applicant, which, as stated above, has been held as not to be a bar to promotion, the respondents will act upon the recommendations of the DPC dated 7.12.89, in which the applicant has been found fit for promotion, and grant him the consequential benefits flowing therefrom.

5. The O.A. stands disposed of accordingly. No costs.

A. Vedavalli  
(Dr. A. Vedavalli)  
Member(J)

S.R. Adige  
(S.R. Adige)  
Member(A)

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