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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1377/94

New Delhi this the 8th day of July, 1994

CORAM :

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)  
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri Harjit Singh,  
Sr. Accountant, Office of  
Chief Controller of Accounts,  
Ministry of Finance,  
R/O C/34, Sudarshan Park,  
New Delhi - 110015.

... Applicant

By Advocate Shri P. L. Sethi

Versus

1. Union of India through  
Controller General of Accounts,  
Ministry of Finance, Deptt.  
of Expenditure, Lok Nayak  
Bhawan, New Delhi.

2. Chief Controller of Accounts,  
Ministry of Finance,  
North Block, New Delhi.

... Respondents

O R D E R (ORAL)

Shri J. P. Sharma, M(J) -

The grievance of the applicant is that by order dated 26.10.1993 a promotion order was effected to the post of Junior Accounts Officer and the name of the applicant was also included in that promotion list at sl. No.13 which included 15 persons. Under para 3 of the said promotion order it was also laid down that it should be ensured that at the time of promotion there is no departmental inquiry or vigilance case pending or contemplated against such a promotee and that he is not undergoing a penalty under the C.C.S. (C.C.A.) Rules, 1965. (emphasis supplied). The case of the applicant is that on 26.10.1993 there

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was no chargesheet served on the applicant and the chargesheet came to be served only by the memo dated 25.11.1993, and as such, he has referred to the case of K. V. Jankiraman vs. Union of India : JT 1991 (3) SC 527. The learned counsel has also exhaustively referred to that judgment and read out portions where the commencement of the disciplinary inquiry shall be taken to be from the date when the chargesheet is served on the delinquent. However, there is an observation in the case of Jankiraman (supra) that a person is not to be rewarded during pendency of disciplinary proceedings against him as he has to face a disciplinary inquiry and has to bear the consequences of the result of that inquiry either in favour or against. In the same journal at page 705, there is the case of Union of India vs. Kewal Kumar where the petitioner was served with a memo of charge subsequently to meeting of the DFC and the Tribunal following Jankiraman's case held that sealed cover procedure could not be applied as the chargesheet was issued after the DFC had met. The Supreme Court held that the Tribunal had wrongly applied the principles of Jankiraman's case. The appeal filed by the Union of India was allowed and the judgment of the Tribunal was set aside. The Supreme Court has also referred to another decision in the case of Delhi Development Authority vs. S. C. Khurana reported in JT 1993 (2) SC 695. The learned counsel, however, emphatically and with force stressed the same point time and again that the applicant cannot be discriminated as 19 others who cleared the examination

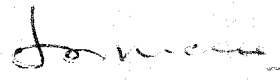
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of Junior Accounts Officer had been promoted from earlier dates while the applicant has not been given that promotion. This argument, therefore, in view of the above decision, is totally unacceptable.

2. We find that the present application does not make out a prima facie case for admission and the same is dismissed at the admission stage itself under the provisions of Section 19 (3) of the Administrative Tribunals Act, 1985.

  
( S. R. Adige )  
Member (A)

  
( J. P. Sharma )  
Member (J)

/as/