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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 1961/2000

New Delhi this the 28th day of September, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M. P. SINGH, MEMBER (A)

Madan Singh Rana S/O Alam singh,
R/O A-50/3 Ganesh Nagar,
Near Tilak Nagar,
New Delhi.

... Applicant

(By Shri P.T.S.Murthy, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Labour,
Shram Shakti Bhawan,
Rafi Marg, New Delhi.
2. Director General of Employment
and Training (DGET),
Shram shakti Bhawan,
Rafi Marg, New Delhi.
3. Director,
Central Institute of Research
and Training in Employment Services,
Pusa, New Delhi-110012. ... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant who was working as an Upper Division clerk (UDC) had been reverted to the post of Lower Division Clerk (LDC) way back in 1979. The reversion order was to prevail for a limited period of three years only. Applicant is not being considered for being promoted back to the post of UDC on the ground that three criminal cases under Section 420/468/471 read with Section 120-B IPC are pending against him.

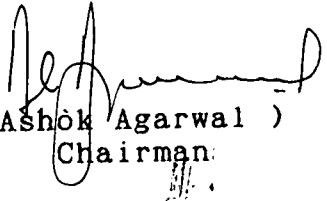
2. Applicant, it is clear from the averments contained in the OA, is under suspension since 1989. As far as the present OA is concerned, he has not impugned the order of suspension but has straightway claimed an order of promotion. The same cannot be

countenanced in the teeth of the prosecutions pending against him. The case of Shri Hoshiar Singh Rewalia which is cited at Annexure-V is of no relevance as suspension of the said Shri Hoshiar Singh had been revoked on his being acquitted of the charges that had been framed against him. Even if certain prosecutions are pending against him, all that the applicant could possibly have claimed on the basis of parity, is an order of revocation of suspension which prayer he has not made in the present OA. Unless the order of suspension is revoked he cannot claim promotion.

3. In the circumstances, we find the present OA devoid of merit. The same is accordingly summarily rejected.


(M. P. Singh)

Member (A)


(Ashok Agarwal)
Chairman

/as/