

Central Administrative Tribunal
Principal Bench New Delhi.

...

Regn. No. O.A. 548/89.

Date of decision: 28.4.89.

P.S. Rajya .. Applicant vs. UOI - Respondents.

Applicant through Shri R.Kapoor, counsel.
Respondents through Shri K.D. Sharma, Section Officer,
Departmental representative.

Heard the learned counsel for the applicant.
The main grievance of the applicant is that his
case has not been properly considered by the DPC in 1988
after which, while his juniors have been promoted as
Assistant Commissioners (senior scale), he has not been
promoted. His other grievance is that on the basis of his
ad-hoc officiation as Assistant Commissioner in the junior
scale from 12.6.1981, he should be given benefit of
seniority from that date whereby he will come within the
zone of consideration for promotion to the senior scale
on 1st December, 1985.

The learned counsel for the applicant, during the
course of arguments, wanted to withdraw the latter relief
about promotion in 1985 on the basis of his seniority.
He is allowed to do so.

So far as the other relief regarding proper
consideration of his case for promotion in 1988 is concerned,
Shri K.D. Sharma, Section Officer, Ministry of Finance,
Department of Revenue, clarified on behalf of the respondents
that the applicant's case was considered by the D.P.C. in
1988 and his case was placed in a sealed cover during the
pendency of some investigation by the C.B.I. No charge-sheet
has been served on the applicant so far. In the circumstances,
we dispose of this application with the following order:-

(i) The respondents are directed to open the sealed
cover and consider the case of the applicant for promotion

to the senior scale keeping in view the assessment of the DPC in the sealed cover, as also the other relevant material about the applicant, in accordance with law. A decision about his promotion to the senior scale should be taken within a period of three months from the date of communication of this order. The applicant will be at liberty to seek redress in appropriate forum, in accordance with law, if he feels aggrieved by that decision.

The applicant is also at liberty to move the appropriate legal forum, in accordance with law, ^{para 9(1)(b) of the application} in so far as the relief claimed at 8(a) regarding his promotion from December, 1985 is concerned.

There will be no order as to costs.


(T.S. Oberoi)
Member (Judl.)


(S.P. Mukerji)
Vice-Chairman.