

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 86/86

Date of decision: 9/12/92

Sh.V.S.Tyagi

.. Applicant.

Versus

Union of India
& others.

.. Respondents.

Sh.G.D.Gupta

.. Counsel for the applicant.

Sh.B.K.Agarwal

.. Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).
The Hon'ble Sh.I.P.Gupta, Member(A).

JUDGEMENT (ORAL)

The applicant in this application has prayed for quashing of the seniority list at Annexure 'A' and giving him an appropriate place in the said seniority list. It is admitted in the counter that the applicant was eligible to be considered for promotion to Grade 455 - 700 where vacancies had arisen as a result of cadre re-structuring. This cadre re-structuring was done w.e.f. 1.1.84. The applicant, according to the learned counsel for the respondents, was not considered for promotion under the said re-structuring scheme because he had been awarded two penalties which had not run their course and apart from that another major disciplinary proceeding was pending. However, it is not disputed that both the penalties awarded to the applicant were set aside and even in their disciplinary proceedings the penalty of removal from service was set aside. The applicant, who was placed under suspension, was also revoked from a date prior to 1.1.84. Therefore, it is clear that none of the penalties existed on 1.1.84,

nor the order of suspension.

2. In the above view of the matter the applicant, who is a Pharmacist, is eligible to be considered for promotion, under the cadre re-structuring scheme from 1.1.84 and we direct that he should be so considered within a period of three months from the date of communication of this order. The applicant is also eligible for all consequential benefits. With this direction the O.A. is disposed of with no order as to costs.

I.P.Gupta

(I.P.GUPTA)
MEMBER(A)

Ram Pal Singh

(RAM PAL SINGH)
VICE CHAIRMAN(J)