

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI.

REGN. NO. O.A. 578/87.

DATE OF DECISION: 16.9.1992

H.S. Singhal.

... Petitioner.

Versus

Union of India through
The Secretary,
Ministry of Communications,
New Delhi and Ors.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... None.

For the Respondents.

... Shri P.P. Khurana,
Counsel.

JUDGEMENT (ORAL)


(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

None appears for the petitioner. Shri P.P. Khurana, Counsel, is present for the respondents. We have perused the records and heard the counsel for the respondents.

2. The petitioner's case is that he was entitled to one time promotion w.e.f. 30.11.1983 in accordance with the scheme which is Annexure A-11 attached to the Original Application, as he had satisfied the prescribed condition of 16 years of service on that date. The petitioner has been given promotion under the said scheme w.e.f. 8.2.1986. It is necessary to advert to the fact that a chargesheet was served on the petitioner on 16.3.1984 and the D.P.C. was held in March, 1984. As no charge-sheet was served before 30.11.1983, he could not have been denied

the benefit of one time promotion w.e.f. 30.11.1983 as he had satisfied the condition of 16 years of service on that date. As there was no adverse conduct of the petitioner upto 30.11.1983, the petitioner could not have been denied the benefit of one time promotion under the said scheme on the basis of some conduct of the petitioner subsequent to that date. We have, therefore, no hesitation in holding that the petitioner should have been accorded one time promotion under the scheme (Annex. A-11) w.e.f. 30.11.1983.

3. For the reasons stated above, we direct the respondents to accord to the petitioner the benefit of one time promotion on the basis of the scheme (Annex.A-11) w.e.f. 30.11.1983 and to accord to him the consequential benefits of arrears within four months from the date of receipt of a copy of the judgement. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN