

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A. No. 151/91  
O.A. No. 152/91

New Delhi this the 14th day of July, 1995.

Hon'ble Shri M.V. Krishnan, Vice Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

O.A. No. 151/91

C.P. Singh  
S/o Shri Ram Dayal Singh,  
Asstt. Engineer (Telephones)  
General Manager Telecommunications  
Ghaziabad, U.P. .... Applicant

(By Advocate : Shri Ashish Kalia )

VERSUS

UNION OF INDIA, THROUGH

1. The Director General Telecommunication  
Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom  
U.P. Circle Lucknow-226001
3. The General Manager, Telecom  
Ghaziabad, U.P. .... Respondents

(By Advocate : Shri M.K. Gupta)

O.A. No. 152/91

Shri S.P. Bhatnagar,  
S/o Late Shri J.L. Bhatnagar  
Asstt Engineer (Telephones)  
General Manager Telecom  
Ghaziabad, U.P. .... Applicant

(By Advocate : Shri Ashish Kalia)

VERSUS

UNION OF INDIA, THROUGH

1. The Director General Telecommunications  
Sanch Bhavan, New Delhi.
2. The Chief General Manager Telecom  
UP Circle, Lucknow-226001
3. The General Manager Telecom  
Ghaziabad. .... Respondents

(By Advocate :Shri M.K. Gupta)

## JUDGEMENT (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

Both these cases are being disposed of by this order with the consent of the parties as the grievance and the reliefs sought are similar.

2. We consider the facts in O.A.151/91. It is stated that the applicant who is a junior Engineer (Junior Telecom Officer) was given adhoc promotions to the T.E.S. Group "B" by the order dated 5.11.90 of the respondents (Annexure A3). Subsequently he was given officiating promotion by the An A2 order dated 16.11.90 of the Government of India. The officiating promotion is stated to be based on the result of regular DPC held for consideration of regular promotion, as stated in para 4.3 of the O.A. which is not denied.

3. Names of persons regularly promoted were notified in the Annexure A-1 order of Respondent 2, dated 4.01.91. The name of the applicant is not mentioned therein. The Annexure A-1 order terminated the adhoc appointment given on 5.11.90 (Annexure A-3) but is silent on the officiating appointment given by the 2 6 Annexure A-2 order dated 16.11.90.

4. As the representation filed did not yield any result the applicant has filed this O.A. to restrain the respondents from withholding

promotion of the applicant to the post of Assistant Engineer and to allow the applicant to continue in service on that post from the date the junior is promoted.

5. The respondents have filed their reply.

They admit that the applicant has been found fit for promotion but that was without considering his case from the Vigilance angle. His case was under investigation when adhoc promotion was granted. Even when the Annexure A1 order was passed a regular D.E. had not been started. Serious irregularities came to light and it has been decided to institute regular proceedings. Such a proceeding has, however, been initiated against the applicant by the memorandum dated 5.5.1994. In the circumstances the regular promotion of the applicant has not been made.

6. We have heard the parties. The position here is different from the cases where the recommendations of the DPC is unauthorisedly placed in a sealed cover, even though no disciplinary proceedings have been initiated. In the present case, the officiating promotion was made without vigilance clearance. He was still continuing on the promoted post when the Annexure A-4 order was issued which excluded his name. After the O.A. was filed, an interim direction has been issued to continue the status of the applicant as Assistant Engineer and this is still continuing. It is not denied that the applicant

has been cleared for promotion by D.P.C. That recommendation is not in a sealed cover. He has not been cleared from the Vigilance angle which alone is the reason for not granting regular promotion. A D.E has since been started.

7. That is the situation in the second O.A. also filed by S.P. Bhatnagar except that he has since retired from service.

8. We are of the view that in the circumstances of the cases, the interest of justice would be served, if we issue directions to the respondents to see that the disciplinary proceedings are completed as early as possible against both the applicants and, that in the meanwhile, the interim order already issued not to revert the first applicant from the post of Assistant Engineers should continue. We order accordingly. As the second applicant has retired, the question of reversion does not arise. The respondents are further directed to take a final decision in regard to the regular promotion of both these officials on the basis of the decisions in the disciplinary proceedings, in accordance with law, and in the case of S.P. Bhatnagar they are further directed to consider payment of terminal benefits in accordance with law on the basis of the decision in the DE against him.

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9. O.As are disposed of accordingly. Copy  
be kept in both O.As.

A. Vedavalli

N. V. Krishnan

Member (J)

Vice Chairman (A)

SSS

True Copy

ATC/AL

AMC/AL

Court Officer  
Central Administrative Tribunal  
Prinsep Ghat, Pandit Nehru  
Marg, New Delhi-110001