

(2A)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O.A.No. 2327/1991

New Delhi: this the 28<sup>th</sup> day of MAY, 1997.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

B.D.Laroiya,

S/O Shri Satpal Laroiya,

R/O 11/15, Tilak Nagar,

New Delhi

..... Applicant

(By Advocate: Shri G.D.Bhandari )

Versus

UNION OF INDIA through

1. The Secretary to the Govt. of India,  
Ministry of Defence,  
South Block,  
New Delhi.
2. The Engineer-In-Chief,  
Army Headquarters,  
Kashmir House,  
New Delhi.
3. Chief Engineer,  
Western Command,  
Chandigarh.
4. The Chief Engineer,  
Delhi Zone,  
Delhi Cantt.
5. C.W.E.R.R.Hospital,  
Delhi Cantt.
6. Garrison Engineer(P) I,  
R.R.Hospital,  
Delhi Cantt. 10

..... Respondents.

(By Advocate: Shri V.S.R.Krishna ).

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Applicant seeks quashing of promotion orders vide OPC of August, 1989; a declaration that his name was not liable to be placed in sealed cover in that OPC, and his promotion as Executive Engineer with effect from the date his juniors were promoted vide that OPC with consequential benefits.

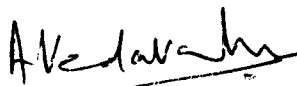
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2. We have heard Shri G.D.Bhandari for applicant and Shri V.S.R.Krishna for respondents.

3. Admittedly applicant was subsequently promoted as Executive Engineer w.e.f. 15.7.91 despite issue of a charge sheet to him on 16.3.91 and he is also said to have retired on superannuation since.

4. As the August, 1989 OPC's recommendations in respect of applicant are available though kept in sealed cover, whatever the circumstances which impelled the OPC to keep those recommendations in a sealed cover at that point of time, the just and fair course of action to be adopted now, as Shri Krishna concedes, is to direct respondents to open the sealed cover containing those recommendations, and in the light of these recommendations extend to applicant such benefits as are admissible to him in accordance with rules and instructions. We direct accordingly and call upon respondents to implement these directions as expeditiously as possible and preferably within 3 months from the date of receipt of a copy of this judgment.

5. This OA is disposed of in terms of para 4 above. No costs .

  
( DR. A.VEDAVALLI )  
MEMBER(J)

  
( S. R. ADIGE )  
MEMBER(A).

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