

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(S)

OA No.730/2004

New Delhi this the 17th day of August, 2004

Hon'ble Mr. Shanker Raju, Member (J)
Honble Mr.S.A. Singh, Member (A)

Shri Vijay Kumar Jain,
Son of Shri
Office Supdt.Gr.II working under Asstt
Northern Railway Hapur.

(By Advocate: Shri S.K.Sawhney) ..Applicant

VERSUS

1. Union of India through
General Manager,
Northern Railwy, Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway
Moradabad.
3. Divisional Superintending Engineer(C)
Headquarter
Northern Railway
Moradabad

(By Advocate: Shri Rajeev Bansal) ..Respondents

O R D E R (ORAL)

By Shri Shanker Raju, Member (J)

Heard the counsel for the parties.

2. In the light of R.B.E.No.123/97 dated 18.9.97 if the disciplinary proceedings are not promptly concluded, the Railway Administration could consider the case of the government servant for adhoc promotion. The applicant has been awarded minor punishment as per the chargesheet dated 18.12.95 whereas another chargesheet dated 20.2.98 for major penalty has been issued for the same charges which is pending finalisation. Learned counsel for applicant states that promotion of the

applicant has been illegally withheld while his juniors have already been promoted.

3. On the other hand, respondents' counsel Shri Rajeev Bansal contends that during the pendency of the chargesheet, case of the applicant cannot be considered for promotion.

4. Ends of justice would be duly met, if the present OA is disposed of at this stage itself by directing the respondents to finalise the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order. If the disciplinary proceedings are not finalised within the aforesaid period for reasons not attributable to the applicant, he shall be considered for adhoc promotion in the manner as prescribed in R.B.E.No.123/97 dated 18.9.97. On conclusion of the disciplinary proceedings as per law, the case of the applicant for promotion from the actual due date would also be considered. OA is disposed of. No costs.



(S.A.Singh)
Member (A)



S. Raju
(Shanker Raju)
Member (J)

/kdr/