

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.294/92

DATE OF DECISION: 05/01/93

Gainda Lal

.. Applicant

Versus

Union of India

& others .. Respondents.

Sh.Shankar Raju .. Counsel for the applicant.

Sh.S.C.Suri .. 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).

J U D G E M E N T (ORAL)

In this application the grievance of the applicant is that he completed his period of probation on 9.5.89 but was not confirmed. He continued in his service and it was only by an order dated 16.4.90 that he came to know that his probation had been extended for a period of six months from 9.5.89 and that he was confirmed w.e.f. 9.11.89 only. The order shows that his confirmation was postponed due to indifferent service record. However, in the counter the respondents have taken the stand that since he was awarded the penalty of censure during the vital period, his

gsl
Contd..2.

probation was extended. The learned counsel for the applicant contends that this amounted to double jeopardy since both the penalty of censure and extension of probation due to censure should not have been ordered. We do not agree with this contention of the ld. counsel for the applicant. Confirmation follows after satisfactory completion of the period of probation and if the respondents found that the service records of the applicant were indifferent they were within their rights to extend the period of probation. It is another matter that they took into account the punishment of censure also for determining the service record of the applicant for purposes of confirmation.

The learned counsel for the applicant contends that he was denied promotion which were effected from 8.11.89 when his junior (S.C.) was promoted. The learned counsel for the respondents stated that the applicant could not be promoted because he was not confirmed on the date the D.P.C. met and even on the date the effect of promotion was given. However, we find that even on a subsequent date the applicant was ignored for purposes of promotion. Censure is no bar to promotion and the applicant has to be duly considered for promotion w.e.f. 1.5.92 by when he also stood confirmed on completion of the probationary period. We, therefore direct the respondents to consider the case of

Contd..3.

10

- 3 -

the applicant for promotion to officiate as Assistant Sub Inspector (Ministerial) w.e.f. 1.5.92. This consideration should be done within a period of three months from the date of communication of this order.

With the above directions the case is disposed of with no order as to costs.

I.P.Gupta 93
(I.P.GUPTA) 5/1/92

MEMBER (A)

Ram Pal Singh 93
(RAM PAL SINGH)

VICE CHAIRMAN (J)