

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

(X)

O.A. 5/92

Date of decision: 8.4.92

K.C. Goel

.. Applicant.

Versus

Union of India & another .. Respondents.

Sh.P.P.Khurana .. Counsel for the applicant.

Sh.R.S.Agarwal .. 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).

JUDGEMENT

(Delivered by Hon'ble Sh.I.P.Gupta, Member(A)).

In this application filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has sought for the relief that the respondents be directed to promote him in accordance with the recommendations of the D.P.Cs. held in January/February, 1990 and January/February, 1991. The contention of the learned counsel for the applicant is that the applicant's case was considered by both the D.P.Cs. of 1990 & 1991 but the recommendations of the D.P.Cs. were placed in sealed cover on the ground that certain disciplinary proceedings were in progress. Whatever the case may be, the applicant was served with a charged memo dated 18.9.91 on 26.9.91. The law on the point is well settled that before issue of a chargesheet the recommendations of the D.P.C. cannot be kept in a sealed cover and for the reason that any enquiry is in progress or disciplinary proceedings is under consideration.

2. In the above view of the matter the respondents are directed to open the sealed covers of the D.P.Cs. of January/February, 1990 and January/February, 1991

preferably within a month, and take into consideration the recommendations made for purposes of promotion to the applicant w.e.f. the appropriate date, consistent with the recommendations of the D.P.Cs. The applicant will also be entitled to all consequential benefits.

3. With the above directions the O.A. is disposed of finally with no order as to costs.

*I.P.Gupta*  
(I.P.GUPTA)  
MEMBER(A) 8/4/92

*Ram Pal Singh*  
(RAM PAL SINGH)  
VICE CHAIRMAN(J)