

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1191 of 1992

New Delhi, dated the 5th March, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

A.R. Gilotra,
R/o 2/24, Janakpuri,
New Delhi.

.... APPLICANT

(By Advocate: Shri Ashish Kalia)

VERSUS

Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.

.... RESPONDENTS

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks promotion as Chief Inspector of Works/A.E. w.e.f. the date his immediate junior was promoted, without taking cognisance of adverse/critical remarks in his ACR for the period ending 31.3.91.

2. We have heard Shri Kalia for applicant. None appeared for respondents even on the second call. We have perused the materials on record. As this is an old case we are disposing it of after perusing the materials on record and hearing Shri Kalia.

3. From Respondents' reply it is clear that the case of the applicant was considered for promotion to the post of Chief Inspector of Works/A.E. in January, 1991. At that point of time ACRs for the

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year ending 31.3.91 would not have been available before the DPC and under the circumstances even if adverse remarks had been recorded in respect of applicant's performance for that year, the same could not have affected the applicant's grading by DPC. However, in Para 5.1 of respondents' reply they have stated that applicant could not be promoted when his case was considered in January, 1991 because major penalty chargesheet was pending against him. If so, the proper course for respondents should have been to keep his case in a sealed cover, and to open the same after the proceedings were concluded. There is nothing to indicate that the aforesaid procedure was followed by respondents. We are also not aware whether the departmental proceedings have since concluded, because neither party have furnished relevant information on this point.

4. We accordingly dispose of this O.A. with a direction that in the event that the departmental proceedings referred to in Para 5.1 of respondents' reply have concluded, and applicant has been exonerated of the charges, respondents should consider his case for promotion as Chief Inspector of Works/A.E. w.e.f. the date his immediate junior was promoted in accordance with rules and instructions on the subject.

5. The O.A. stands disposed of accordingly. No costs.

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6. After the above orders were dictated in the Open Court, respondents' counsel Shri Dhawan appeared.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige

(S.R. ADIGE)
VICE CHAIRMAN (A)

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