

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.146/93

New Delhi: this the 27 day of May, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

S. B. Gupta,  
S/o H. No. 43, Lajpat Nagar No. 1,  
New Delhi ..... Applicant.

(Applicant in person).

Versus

1. Union of India through  
the Secretary,  
Ministry of Human Resources,  
Dept. of Cultural,  
Shastri Bhawan,  
New Delhi.

2. The Deputy Secretary,  
Ministry of Human Resources,  
Department of Cultural,  
Shastri Bhawan,  
New Delhi.

3. The Under Secretary,  
Ministry Human Resources,  
Deputy of Cultural,  
Shastri Bhawan,  
New Delhi ..... Respondents.

(None appeared)

ORDER

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

This OA which was earlier dismissed for default was restored by order dated 19.3.99, passed in the presence of both sides.

2. Applicant prays for promotion as Librarian Gr. I w.e.f. 5.5.80 when his juniors were promoted with consequential benefits.

3. Applicant appeared in person and has been heard. None appeared for respondents when the case came up for hearing on 12.5.99.

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4. Respondents in their reply state that disciplinary proceedings were initiated against applicant for misconduct and he was kept under suspension from 20.11.67 and was dismissed on his conviction in a criminal charge. The conviction was set aside on appeal and the order of suspension was revoked and the period 20.11.67 to 11.8.71 was treated as duty. The departmental proceedings against him ended in September, 1976 with a minor penalty of censure. Subsequently another DE was initiated against him in March, 1980 and a criminal case was also filed against him for allegedly claiming false T.A. The criminal case was later withdrawn but the D.E. was still proceeding. Thereafter yet another D.E. was to be initiated against him on a complaint received from the Estate Office regarding illegal subletting of Govt. accommodation by him.

5. Respondents state that since disciplinary proceeding in respect of false LTC claim was initiated against applicant in March, 1980 and his appointment as Librarian Gr.II could not be regularised, a place had been kept vacant at Sl. No. 17 of the seniority list dated 2.3.85 subject to conclusion of the D.E. against him.

6. Applicant, during hearing, has handed over across the bar a copy of order dated 24.6.98 dropping the proceedings in respect of claiming false TA, and <sup>copy of</sup> order dated 27.3.98 dropping the proceeding against him in respect of illegal subletting of Govt. accommodation.

7. Meanwhile applicant has retired on superannuation

8. As respondents themselves have stated that they kept a place in the seniority list of Librarian Gr.II vacant pending conclusion of the departmental enquiry against applicant which has now been concluded by the aforementioned orders which are taken on record, we dispose of this OA with a direction to examine applicant's case for placement at the appropriate position in the seniority list of Librarian Gr.II, and for his further promotion as Librarian Gr.I with effect from the date his juniors were promoted and pass a detailed speaking and reasoned order thereon in accordance with rules and instructions as expeditiously as possible and preferably within 4 months from the date of receipt of a copy of this order. In the event applicant is promoted, he will be entitled to consequential benefits flowing therefrom in accordance with rules and instructions.

9. The OA is disposed of in terms of para 8 above. No costs.

*Lakshmi*

( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

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

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