

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, ALLAHABAD.

Dated : Allahabad this the 9th day of April, 1996.

CORAM :Hon'ble Mr. S. Das Gupta, A.M.
Hon'ble Mr. T. L. Verma, J.M.

ORIGINAL APPLICATION NO. 384 of 1996

R. DL Ratauri, son of Sri S. D. Ratauri,
Regular Mazdoor SDO(Phones), Pilikothi,
Civil Lines, Moradabad.Applicant
(THROUGH COUNSEL SRI R.K.Khanna)

V E R S U S

1. Union of India, through Director,
General, Telecom., Sanchar Bhawan,
New Delhi.
2. Chief General Manager, Telecom Paschim
Uttar Pradesh Parimandal,
Lucknow/Dehradun.
3. Telecom. Divisional Manager Telephone,
Office Chandra Nagar Hartala Colony, Moradabad.
4. Assistant Engineer(Phones,) Moradabad.

....Respondents.

O - R - D - E - R (Oral)

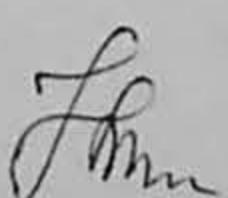
(By Hon'ble Mr. S. Das Gupta, Member-A)

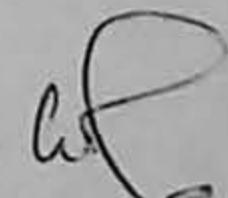
The applicant's case is that he had qualified in an internal examination for promotion to the post of Phone Mechanic and obtained 6th position in the merit list. However, when the other candidates ^{ACR} sent for training he has not been sent for training as he was charge-sheeted way back in 1991 which has not yet been brought to conclusion. The learned counsel for the applicant drew our attention to certain departmental rules under which promotion can be granted even if ^a person has been censured after conclusion of the disciplinary proceeding. His

argument was that since a person who has been penalised can be promoted, ~~on~~ the applicant, ^{when} no penalty has so far been imposed, should be sent for training.

2. We are unable to accept the contention of the learned counsel for the applicant. Admittedly a charge-sheet has been issued against him in 1991 and according to the applicant, the disciplinary proceedings have not yet reached ~~to~~ finality, It cannot be presumed that the said proceedings will result in imposition of censure on the applicant. Therefore, the rule quoted by him does not come to ~~him~~ give him any assistance. The training is only for promotion; therefore, the applicant cannot be sent on training ^{until} ~~only~~ he is cleared from the charges. The application, therefore, has no merit and is dismissed accordingly.

3. Learned counsel for the applicant, however, had requested that one of the alternative prayer in the O.A. i.e. directing the respondents to decide the applicant's representations dated 8.2.1996 and 22.3.96 be allowed. Such relief cannot be granted ex parte, as has been ruled in a recent case by the Hon'ble Supreme Court. However, nothing in this order shall preclude the respondents from considering these representations and dispose of them appropriately.


Member-J


Member-A

Dt/- Allahabad April. 8, 1996.

(Pandey)