

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 6th day of February 2001.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. M.P. Singh, Administrative Member

ORIGINAL APPLICATION NO. 795 of 1996.

Hardwick David, S/o Sri H. David, Inspector,
Central Excise, Allahabad.

... Applicant

C/A Shri S. Mandhyan

Versus

1. Union of India through Secretary,
Ministry of Finance, Govt. of India,
NEW DELHI.
2. Commissioner of Central Excise,
Allahabad.
3. Deputy Commissioner (Disciplinary Authority),
Custom and Central Excise,
Allahabad.

... Respondents

C/Rs Km. Sadhana Srivastava

ALONGWITH

ORIGINAL APPLICATION NO. 853 of 1996.

Hardwick David, S/o Sri H. David,
Inspector, Central Excise, Allahabad.

... Applicant

C/A Shri S. Mandhyan

Versus

1. Union of India, through Secretary, Ministry
of Finance, Govt. of India, New Delhi.

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2. Commissioner of Central Excise, Allahabad.
3. Deputy Commissioner (P & V),
Central Excise Allahabad.
4. Shivaji Srivastava
5. Vinod Kumar Tyagi
6. Indrajit Majumdar
7. Dheer Singh
8. Lalit Kumar Manchanda
9. Indrajit Rai
10. Harish Chand Srivastava
11. Rakesh Verma
12. Arshad Mahmood
13. Karan Pal Singh
14. Rajesh Kumar Nigam
15. Gupteshwar Singh

Respondents nos 4 to 15 All Urstwhile Inspector
in the Charge of Commissioner, Central Excise,
Allahabad.

... Respondents

C/Rs Km. Sadhana Srivastava.

O R D E R (Oral)

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

In OA 795 of 1996, the applicant has challenged
the charge sheet dated 17.07.96. It is not disputed
that on the basis of this charge sheet, the inquiry
proceeding against the applicant was ^{started} ~~proceeded~~ and
ultimately the applicant has been exonerated
of the ^{charge} ~~order~~. Copy of the order dated 16.03.2000
has been filed alongwith Misc. Appl. 2387 of 2000.

2. In the circumstances this OA has been rendered infructuous.

3. In OA 853 of 1996, the applicant has prayed for a direction to respondent no. 2 and 3 to declare the result of the applicant in the D.P.C. held in June 1996, for promotion of the applicant from the post of Inspector to Superintendent Central Excise Group 'B'.

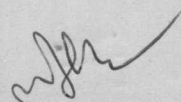
4. Km. Sadhana Srivastava has submitted that though the applicant was selected for promotion by the D.P.C., but it could not be given effect as the disciplinary proceedings were pending against him.

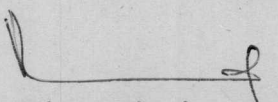
Now in view of the fact that the inquiry proceedings

I have ~~were~~ ^{and} come to an end ^{and} the applicant has been exonerated, *only*
The recommendation of the DPC shall be given effect.

Similar submission has been made in paragraph 18 of the Counter Affidavit.

5. In the circumstances, both the OAs are disposed of finally with the observation that as the applicant has been exonerated of the charges, he shall be given promotion on the basis of the recommendation *only* of the D.P.C. from the date of his juniors were promoted *only* for the purpose of calculation of pension and other retiral benefits. No order as to costs.


Member-A


Vice-Chairman