

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

.....

Original Application No. 648 of 2001.

this the 30th day of May' 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Mohd. Musaffar, S/o late Mohd. Zafar, R/o C-4, E.S.I. Colony,
Sarvodaya Nagar, Kanpur.

Applicant.

By Advocate : Sri Yar Mohd.

Versus.

1. Union of India through the Secretary, Ministry of Labour, Sharam Shakti Bhawan, Rafi Marg, New Delhi.
2. The Director General, Employees State Insurance Corporation, Kotla Road, New Delhi.
3. The Regional Director, Employees State Insurance Corporation, Kanpur.
4. The Regional Director, Employees State Insurance Corporation, Chandigarh.

Respondents.

By Advocate : Sri A.P. Singh proxy counsel for Sri R. Choudhary.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for setting-aside the order dated 31.8.1992 and chargesheets dated 6.11.92 and 4.12.92. issued to the applicant. A further direction has been sought to promote the applicant on the post of Insurance Inspector w.e.f. 26.7.95.

2. We have heard the arguments of Sri Yar Mohd, learned counsel for the applicant and Sri A.P. Singh proxy counsel for Sri R. Choudhary, learned counsel for the responder

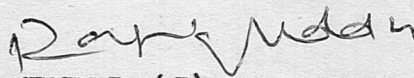
3. The learned counsel for the applicant expresses his


anxiety that promotion of the applicant to the post of Insurance Inspector has been delayed and should be considered at the earliest. He states that he has filed a representation dated 10.4.2001 praying for promotion to the post of Insurance Inspector/Manager, which is legitimately due to him.

4. The learned counsel for the applicant has drawn our attention towards the O.M. dated 12.1.1988 in which it has been laid down that if the disciplinary case/investigation/criminal prosecution against a Government servant are not concluded even-after expiry of two years after the meeting of the 1st DPC, ^{which} kept its findings in a sealed envelope, the appointing authority should review the case of the Government servant and consider the aspects mentioned in para 6 of the said O.M. and thereafter the decision be taken regarding desirability of giving ad hoc promotion. The learned counsel for the applicant prays for a direction to the respondents to dispose of the representation of the applicant dated 10.4.2001, which places before the respondents all these issues.

5. We considered it appropriate in the interest of justice to issue directions to the respondents to consider the representation of the applicant dated 10.4.2001 and pass appropriate orders on the matter of promotion of the applicant within a period of three months from the date of receipt of copy of this order. We find that the proceedings have been continuing for in-ordinately long time since 1992. The respondents are also directed to complete the proceedings of departmental enquiry in chargesheet dated 6.11.92 and 4.12.92 within a period of three months from the date of communication of this order.

6. The O.A. stands disposed of as above with no order as to costs.


MEMBER (J)


MEMBER (A)

GIRISH/-