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Central Administrative Tribunal, Alld. Bench,
Allahabad.

OA No. 153/05 & Mohd. Iqbal Khan
OA No. 87/05 R ors.

03.04.2006
Hon'ble Mr. K.B.S. Rajan, JM
Hon'ble Mr. A.K. Singh, AM

us
U.O.I. R ors.

For Applicant: Sri S.N. Khare

For Respondents: Sri K.S. Saxena

Arguments heard. The only point for consideration is whether the applicants were entitled to be promoted under the modified selection under restructuring but were not so promoted. According to the applicants counsel the term modified selection under restructuring only means on the basis of seniority and if at all it could be stretched further it is subject to expiry of currency of any penalty as had been done vide order dated 17.12.2004 (Ann A2). According to the applicant they did not face any such penalty proceedings much less any penalty order was under currency at the time of issue of the impugned order dated 30.11.2004.

Per contra respondents counsel submits that the term modify selection would mean seniority cum suitability and as the committee did not find the applicants fit for promoting under the modified selection under restructuring, they have been rightly dropped from being promoted and the juniors who had clean records were promoted.

In order to verify the exact reason for rejection of the applicants from being promoted, it is essential that the relevant records are made available to the Court for perusal. The respondents are directed to make available the relevant records within three weeks. List this case on 22.5.2006.

Copy of this order be given to the parties.

-Sd/-
A. M.

TRUE COPY



Murman
20.4.06
Section Officer (J)
Central Administrative Tribunal
Allahabad.

*Shri Munna Pandey Adv
C.A.T., Alld.*

*h.w
20/4/06.*