

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Transfer Application No. 175 of 1987

Bhoj Raj

... ... Applicant

Versus

Union of India and Others

... ... Respondents

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is a transferred application under Section 29 of the Administrative Tribunals Act. The applicant filed a suit before the Munsif Magistrate Etah, by operation of law which has been transferred to this Tribunal. The applicant prayed that a decree for declaration be granted against the defendant restraining the defendant no.2 as the order dated 17.12.83 passed by the defendant no.2 disallowing the promotion of the applicant and the orders dated 1.1.82 and 30.12.87 passed by the defendant no.3 regarding withholding of the salary permanently was illegal, arbitrary and against the principles of natural justice and the respondents may be directed not to withhold the promotion of the applicant and without delay promote and upgrade the applicant.

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2. The respondents filed a written statement. In the written statement it was pointed out that the applicant was earlier served with a charge sheet dated 12.2.80 on account of the fact that the applicant put obstructions in attaching the train engine in train No. 18Down on 14.10.80 and did not allow it to move by his illegal and unauthorised acts. Later on the said train could be started with the help of R.P.F. Consequently the train suffered detention of one hour 15 minutes. After receiving the charge sheet the applicant submitted unsatisfactory reply and he was found guilty for the illegal act and was punished on 18.6.1981 with-holding his increments for 3 years temporarily. Against this punishment order the applicant filed a departmental appeal on 7.8.1981 which was also rejected by the Competent Authority on 5.9.81. Thus there was no punishment order dated 7.11.83 or 7.12.83 as has been alleged by the applicant. The punishment order was a minor punishment and in accordance with law for which no departmental enquiry was needed but subsequently the order dated 30.5.81 passed by the Divisional Mechanical Engineer(C&W) North Eastern Railway, has been cancelled by the Competent Authority and as such the suit has become infructuous. In view of the fact that the punishment order has been

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already recalled, obviously the applicant is entitled for his promotion and the respondents will now promote with effect from the date which the applicant is entitled to. With these observations, the application stand disposed of finally.

R. Bhupathy
Member (A)

LL
Vice Chairman

Dated: 9th September, 1992:

(Uv)