

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH ALLAHABAD

T.A.No.1861 of 1987.

Chandan Singh & another.....Applicant.

Versus

Union of India & anotherRespondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

This is a transferred case under section 29 of the Administrative Tribunal Act.

2. The applicant filed a writ petition before the High Court praying that a writ of mandamus be issued commanding the respondents to give the applicants appropriate seniority w.e.f. the date on which they would have been promoted as Junior Accounts Officers in accordance with their rank in the merit list and the entire arrears of salary and other allowances with effect from the date on which the applicants were entitled to be promoted as Junior Accounts Officers may be paid to them. Subsequently, they have prayed before this tribunal that a writ of mandamus be issued directing the respondents to promote the applicants as Junior Accounts Officers from the date on which their next junior has been given promotion on the aforesaid post i.e. 19.11.83 and to give further promotion to the next higher post i.e. Assistant Accounts Officer w.e.f. 19.11.87 has been given to Shri Nirmal Kumar Paneja, junior to the petitioners.

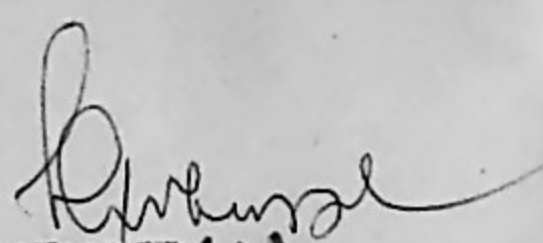
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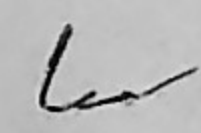
3. The applicants, who started their services as Tele-communication Office Assistant in the Post & Telegraph Department at Moradabad and Lucknow respectively. The P. & T. Junior Accounts Officer Examination Part I was conducted by the respondents

In the year 1979. The applicants appeared in the said examination and were declared successful and Part II Examination was announced to be held in December, 1982. It is to be noted here that the applicant no. 2 has already been promoted, that is why he (applicant no. 1) is only contesting the case. The result of applicant no. 1 was not declared and he filed a writ petition before the High Court which was decided on 10.1.85 and a direction was issued to the Director General, P&T New Delhi to declare the result. Accordingly, the result of the applicant was declared and the applicant was declared successful in the Junior Accounts Officer Part II Examination but the promotion was not given on the post of Junior Accounts Officer on the ground that vigilance/disciplinary enquiry was pending against him and Nirmal Kumar Paneja was declared successful and was given promotion on the post of Junior Accounts Officer w.e.f. 19.11.83. No charge sheet was served upon the applicant at any point of time nor any vigilance/disciplinary proceedings started against him. He was not even suspended. Subsequently, the applicant was promoted after report of the vigilance about the Examination, 1982. The grievance of the applicant is that as there was nothing against him and he was fully exonerated and no disciplinary proceedings started against him, he was also entitled to get promotion with effect from the date his next junior Nirmal Kumar Paneja was promoted. According to the respondents, seniority of both the applicants have been fixed correctly and they will not lose their ^{seniority} /

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and the seniority position of the applicants has been maintained. The applicant no.1 has been placed below the said Paneja but the question remains as to whether the applicant is entitled to get promotion with effect from the date his next junior was promoted. In case, he gets promotion with effect from that date, he will get various other benefits also. As no charge-sheet was ever issued against the applicant nor any disciplinary proceedings started, there appears no reason as to why the applicant should not be promoted with effect from the date his next junior was promoted. According, this application is allowed to the extent that the respondents are directed to promote the applicant notionally with effect from the said Paneja was promoted. No order as to costs.


MEMBER(A)


VICE CHAIRMAN.

DATED: SEPTEMBER 8, 1992
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