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Reserved.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

O.A.NO. 466 of 1987

Ram Hari Yadav ... Applicant.

Vs.

Senior Superintendent, ... Respondents.
R.M.S., G.Division,
Gorakhpur.

Hon'ble D.S.Misra, A.M.
Hon'ble D.K.Agrawal, J.M.

(By Hon. D.S.Misra)

In this application under section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for the issue of a direction for the promotion of the applicant under one Time Bound Promotion Scheme with effect from 30th November, 1983 and payment of arrears of pay and allowances along with interest at market rate after fixing his pay in the next higher grade. The application was amended subsequently and the following relief was added; quashing the order dated 4.12.1985 of Senior Superintendent, R.M.S., D. Division, Gorakhpur and the order dated 30.9.1986 passed by the Director, Postal Services, Allahabad."

2. Brief facts of the case are that the applicant, while working as Sorting Asstt. in the Head Record Office, R.M.S., Gorakhpur had submitted

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a leave travelling concession claim amounting to Rs.3568.50 P. for visiting Kanya-Kumari for him self and his family members. In the claim he had shown the journey to have been performed by travelling in Bus No. UTW 2571 and a receipt for the fare by the aforesaid Bus was attached with the L.T.C. bill. As a result of vigilance enquiry made in the genuineness of travelling of the applicant and members of his family, it was revealed that the above mentioned vehicle was not permitted for travel from Gorakhpur to Kanyakumari and vice versa by the Regional Transport Authority, Gorakhpur during the/period of ^{relevant} journey by the applicant. The applicant was charge sheeted under Rule 16 of C.C.A. (C.C.S.) Rules 1965 and the penalty of withholding his promotion till his retirement was imposed on the applicant vide order dated 4.12.85. The applicant filed an appeal on 28th of December, 1985 which was rejected by the Director of Postal Services vide his order dated 30th September, 1986. The applicant has retired from service on 31.12.1985.

3. We have heard the arguments of the learned counsel for the parties. It is contended on behalf of the applicant that he was approved for promotion to the next higher grade by the Departmental Promotion Committee and he was informed by a letter dated 6th of April, 1984 copy Annexure-1 of the petition that although he has been approved for promotion, the order of his promotion are subject to the conclusion of the on going disciplinary proceeding against him. It is contended that the applicant's promotion was due with

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effect from 30th November, 1983 when no disciplinary enquiry case was pending against him. It is thus contended that the applicant should have been promoted with effect from 30th November, 1983. On going through the record of the case, it is noticed that a charge - sheet was served on the applicant vide letter dated 1.2.1984 alleging mis-conduct in the matter of claiming bogus L.T.C. bill for the period 23.2.79 to 16.6.79. We have considered the matter and we find that before the service of the charge-sheet on the applicant on 1.2.1984, vigilance enquiry was held into the matter and this enquiry would have been in progress on 30th November, 1983 when the promotion of the applicant became due. We are of the opinion that there is no merit in the contention of the applicant, that no enquiry regarding his mis-conduct was pending on 30th November, 1983. We are also of the opinion that the order of withholding promotion does not suffer from any illegality.

4. On the facts and circumstances of the case, we are of the opinion that there is no merit in the application and we accordingly dismissed the same without any order as to costs.

D.K. Gopaul
MEMBER (J). 7-7-89

B.M.
MEMBER (A).

Dt. May 5th 1989.