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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

....

Registration O.A.No.771 of 1987

A.K. Misra

....

Applicant

vs.

Union of India & Others ...

Respondents

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.)

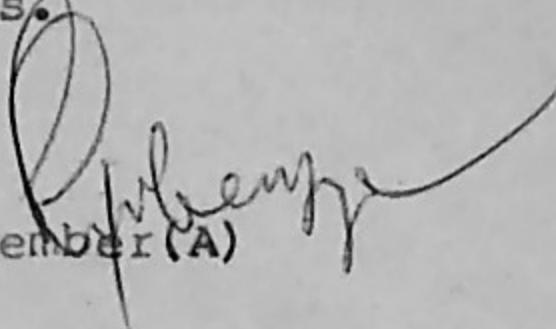
The applicant was appointed as Store-Keeper (SK) in the Central Ordnance Depot on 30.7.1975 on compassionate ground after the death of his father. The applicant was chargesheeted and an Enquiry Officer was deputed. After the enquiry report the disciplinary authority passed order of penal recovery of Rs. 10,321.70. The applicant filed an appeal against the said order. The appeal was allowed and the punishment order was set aside by the order dated 20th July, 1988. In the meantime it appears during the pendency of the appeal the applicant was also promoted as Senior Store Keeper (SSK) w.e.f. 7th April, 1986 alongwith several other persons. But subsequently vide an order dated 20th May, 1986 the applicant's promotion order was cancelled. Feeling aggrieved by this order the applicant approached this Tribunal. Although the written statement has not been filed by the respondents, but the application has been opposed by the respondents. A number of relevant documents were produced by the learned counsel for the respondents. The only grievance of the applicant that now subsists is that the promotion order was cancelled because of the punishment awarded to him and subsequently that rectification was done, but full justice was not given to him in as much as he was promoted notionally w.e.f. 14 May, 1986.

2. On behalf of the applicant it was contended that the punishment was wiped out and because of the punishment

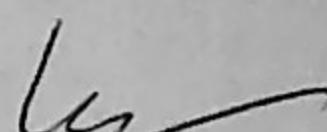
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the promotion order was cancelled. There was not question of promotees to get notional effect. As for no fault of his he was deprived of the promotional post and the salary and emoluments and other benefits attached to it. He never refused to accept the promotional post, and now the proceedings taken against him against the promotional post was found ~~unsustainable~~. The contention is not without ~~substance~~ and has got to be accepted. There was no justification for the respondents after having wiped out the punishment order to promote him notionally. Accordingly this application is allowed to the extent that the word notional shall be removed and the applicant shall be deemed to have been regularly promoted w.e.f. 14 June, 1986 with all the consequential benefits including continuity to the promotional post w.e.f. from that date. No order as to costs.



Member (A)



Vice-Chairman.

30 October, 1991. Alld.

(sph)