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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
Original Application No. 866 of 1987

B.M.Chaurasia .... 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 who entered into the service as Lower Division Clerk in 1962 in the Canteen Store Department Ministry of Defence was promoted to the post of Store Keeper at Canteen Store Department, Ministry of Defence, ... While working as Store Keeper the applicant ~~had~~ received a chargesheet in the year 1985 because of some misconduct and act of omission and commission and negligence was committed by him, which according to the applicant occurred because his son was seriously ill and he could not inform the department. The applicant submitted his reply to the Department on 23.11.85. It appears that from minor penalty or recovery of Rs. 3160/- in 31 instalments/ the salary of the applicant was made. The applicant filed a departmental appeal against the same which according to the applicant is pending inspite of recovery from the salary of the applicant.

2. The grievance of the applicant is that notwithstanding ~~with~~ the fact that he is continuously officiating from time to time for the last 9 years and he has not been made regular as Store Keeper Grade-3, although many of his juniors have not only been regularised on the post of Store Keeper Grade 3 but some of them have also been promoted to the post of Store Keeper Grade 2 and Grade 1. The applicant filed an appeal on 27.1.1984 to the Union of India for regularising him on the post of Store Keeper

Grade-2, but there was no response from the respondents against the said appeal and that is why the applicant approached the Tribunal.

3. The respondents have resisted the claim of the applicant and have stated that the applicant was charge-sheeted in the year 1981 under rule 16 of the C.C.S.(CD&A) Rules, 1965 and penalty of stoppage of the annual increment for the period of three years without cumulative effect was imposed vide order dated 8.2.1988, which matter appears to be still under challenge. Although the applicant pleaded that the order has been passed from the authority concerned and he was acquitted but the averments that the juniors have been retained and not only been promoted to the higher posts has not been denied.

4. In view of the fact there is no denial of the fact that the juniors to the applicant were regularised and even promoted to the higher grade, there appears to be no reason why the applicant should not be promoted. Even if it is not the case of the respondent, because of the minor penalty he has not been promoted or regularised. The minor penalty was awarded in a particular year and that penalty would not continue for all times to come. Accordingly the respondents are directed that in case any person junior to the applicant ~~and~~ has started officiating as Store Keeper subsequent to the officiating to the applicant, <sup>and</sup> was regularised and thereafter promoted, the respondents shall consider the claim of the applicant for regularisation and promotion to the higher post within a period of 3 months from the date of communication of this order. No order as to costs.

*R. B. B. B.*  
Member (A)

*LL*  
Vice-Chairman.