

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. No. 1118 of 1987
T.A. No.

199

DATE OF DECISION _____

R. P. Verma

Petitioner

P. R. Maurya

Advocate for the Petitioner(s)

Versus

Union of India and another

Respondent

A. Sthalkar

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D. K. Agrawal, J.M.

The Hon'ble Mr. A. B. Gorthi, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓

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Ghanshyam/

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CENTRAL ADMINISTRATIVE TRIBUNALS, ALLAHABAD BENCH

Registration O.A.No. 1118 of 1987

R.P.VermaApplicant

Versus

Union of India and another Respondents

Hon'ble Mr.D.K.Agrawal,J.M.

Hon'ble Mr. A.B.Gorthi,A.M.

(By Mr.A.B.Gorthi,A.M.,~~A.M.~~)

This is an application Under Section 19 of the Administrative Tribunals Act 1985 by Sri R.P.Verma claiming two higher grades of pay in the scale of R. 550-750 and R. 700-900 from the dates from which he became eligible for the same.

2. The applicant joined Northern Railway on 22.12.1954 as a 'Gang Man' and was subsequently promoted as Permanent Wage Inspector, P.W.I. in the pay scale of R. 205-280 on 13.3.1963. He was confirmed as P.W.I. Grade III retrospectively with effect from 22.12.1955. His pay scale was subsequently revised to R. 425-700. Although he became due for the next two higher grades of pay, viz. R. 550-750 and 700-900, he was denied whereas several other who were junior to him had been given the same.

3. ~~The~~ criminal case Under Section 120B, 420

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and 468, Indian Penal Code was registered against the applicant and 15 other Railway employees in 1976-77 and the criminal proceedings are still pending in a Court of law at Lucknow. The applicant's two representations to the departmental authorities were in vain. Consequently he filed this application before us on 20.11.1987 and soon after retired from the service on 31.12.1987.

4. The aforesaid facts remain uncontroverted by the respondents whose main contention is that because of the pending criminal proceedings against the applicant he could not be given any promotional benefits. The respondents further concede that in case the criminal proceedings against the applicants are withdrawn or the applicant is acquitted, he would be given all consequential benefits with retrospective effect.

5. The applicants' claim for promotion to higher grades of pay in the face of criminal proceedings against him on charges which involve moral turpitude is clearly ~~unreasonable~~ ^{untenable &}.

6. Our attention has been drawn by the learned counsel for the applicant to the decisions of this Tribunal in the cases of K.Ch.Venkata Reddy Vs. Union of India (A.T.R. 1987(1)CAT 547) and Mani Lal Vs. Union of India. The latter case is connected with the case in hand. Mani Lal in that case and applicant were involved in one ^{& and} of the same criminal case. The substance of the decisions in

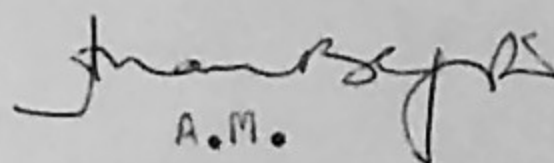
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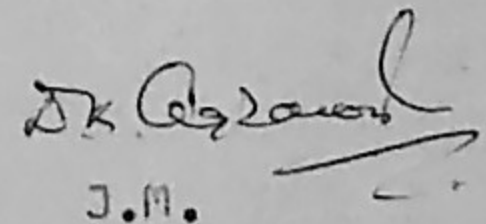
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the aforesaid two cases is that though promotion is not a matter of right, the Government servant is entitled to be considered for promotion as per rules which governed his service and non consideration for promotion on the sole ground of pending disciplinary or criminal proceedings against him will ^{be} ~~affect~~ ^{not} affect Article 14 and 16 of the Constitution of India. Therefore, notwithstanding the pendency of disciplinary or criminal proceedings against a Government servant, he has to be considered for promotion alongwith other eligible persons.

7. Accordingly we direct that the claim of the applicant for promotion(s) should be considered by a Review Departmental Promotion Committee as on the original date(s) when the applicant became due for such promotion. The result thereof in compliance with the extant policy will be kept in sealed cover to be effected retrospectively, if and when the criminal proceedings against the applicant are determined in his favour. With these orders, we dispose of the application without any order as to costs.


A.M.


J.M.

Dated: ... 27 March, 1991

Allahabad.

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