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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

DATED : ALLAHABAD THIS THE 13th DAY OF October 1995

Original Application No. 384 of 1988

QUORUM : Hon'ble Mr. S. Das Gupta, Member(A)
Hon'ble Mr. T. L. Verma, Member(J)

Krishna Autar Goel S/o. late Shri
Ratan Lal, Resident of 3/9, Vijay Nagar
Colony, Kanpur.....Applicant.
(By Advocate Sri V. B. L. Srivastava)

Versus

1. Union of India
2. Central Board of Revenue,
North Block, New Delhi through its
Secretary.
3. Collector, Central Excise, Allahabad/Meerut.
4. Assistant Collector, Headquarters,
Central Excise, Kanpur.
Now designated Deputy Collector(P & E)
.....Respondents.

(By Advocate Shri N. B. Singh)

ORDER
(By Hon'ble Mr. T. L. Verma, Member-J.)

The applicant was appointed as Lower
Division Clerk on 20.4.1963 in the Department of
Customs and Central Excise, Kanpur. He was promoted
as Upper Division Clerk on 10.2.1972. In November,
1973 he was transferred from Kanpur to Rampur. He
was subjected to a departmental proceeding in

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1976. He, while functioning as Upper Division Clerk in the office of Assistant Collector, Central Excise Rampur, during the year 1974, is alleged to have made a complaint against the Superintendent of Central Excise, Rampur for high-handedness and ~~and~~ slight ^{and} slander which was found to be baseless.

The Disciplinary Authority by his order dated 22.2.1979 imposed the penalty of stoppage of increment without cumulative effect. Appeal against the order of the disciplinary authority was dismissed. He was subjected to another disciplinary proceeding in which one of the charges was not proved and he was exonerated.

2. The grievance of the applicant is that while these proceedings were pending, the respondents confirmed his juniors. He has, therefore, filed this application for a direction to the respondents to confirm the applicant with effect from 20.11.1977 and to promote him as Administrative Officer with all consequential benefits. Other multiple reliefs which have no nexus with the main relief were not pressed by the learned counsel for the applicant at the time of argument.

3. The respondents have resisted the claim of the applicant. In the counter-affidavit filed on behalf of the respondents, it has been stated that the applicant has already been confirmed with effect from 1.2.1982 by the review D.P.C. He could not be confirmed as stated in

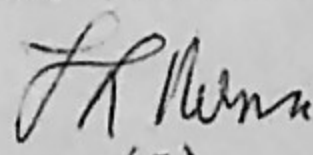
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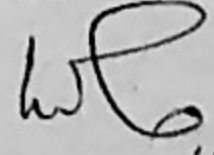
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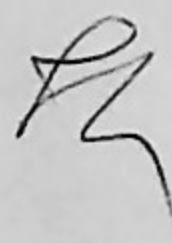
para 25 of the written statement with effect from 20.11.1977 as the disciplinary proceedings had been initiated against him on the same date and was disposed of on 21.2.1979 in which penalty of stoppage of increment was imposed without cumulative effect.

4. We have heard the learned counsels for the parties and perused the record. We find that the applicant was considered for confirmation by the Departmental Promotional Committee held on 20.7.79 and he was not found fit for confirmation. No D.P.C. was held in the year 1980-81 and 1981-82 for administrative reasons. Non-holding of D.P.C. however, has made no difference so far as the applicant is concerned. The penalty imposed on the applicant in the disciplinary proceeding was in currency till 1.2.1982 and the D.P.C. which met thereafter ~~had~~ ~~already~~ confirmed the applicant with effect from 1.2.1982. Even if the D.P.C. had been held in 1980-81 and 1981-82, the applicant could not have been considered for confirmation because of the currency of the penalty imposed on him in the departmental proceedings. He has, therefore, been rightly confirmed with effect from 1.2.1982.

5. In view of the discussions made above, we find no merit in this application and the same is dismissed leaving the parties to bear their own costs.


Member (J)


Member (A)


VKP/-