

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

O.A. No: 299/92 of 199

F.A. No: of 199

DATE OF DECISION: 22/3/93

Krishna Pal Singh PETITIONER.

Sri Ravindra Sharma ADVOCATE FOR THE
PETITIONER

V E R S U S

U O 2 others RESPONDENTS

Komsadhani Sivadhas ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. K. Obayya AM

The Hon'ble Mr. A.K. Singh Jm.

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

SIGNATURE

JAYANTI/

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

O.A. No. 299/92

Krishna Pal Singh ... Applicant

Vs.

Union of India & others ... Respondents.

Hon. Mr. K. Ubayya, A.M.

Hon. Mr. A.K. Sinha, J.M.

(Hon. Mr. K. Ubayya, A.M.)

1. Counter is on record and though rejoinder has not been filed, inspite of opportunity, we have heard the Counsels of the parties and with their consent, the case is being disposed of.

2. The applicant has approached this Tribunal raising his grievance against non declaration of the result of the selectio n held in 1988 for the post - Postal Assistant/Sorting Assistant and prayed that his name be included at Sl. No.4 in the abstract appended to the result of the LGO Examination held on 18.12.1988 (Annexure-IV). According to the applicant he is a Post Man in Moradabad Division and posted at Head Post Office, Moradabad.

3. A special confirmation examination for promotion to the post of Postal Assistant/Sorting Assistant cadre was held on 18.12.1988, in which the applicant also appeared. However, his result was withheld, and the names of other candidates were declared, though, according to the applicant

there were 11 vacancies to absorb him also. The applicant assails the action of respondents as arbitrary and against principles of natural justice.

4. The case has been opposed by the respondents who have stated in Para 4 of the Counter Affidavit that result of the applicant could not be declared because of his involvement in a fraud case of Money Orders. It is pointed out that the applicant paid certain Money Orders without identification to unknown persons and ~~the~~ fraud amounted to Rs. 7,920/-. A charge-sheet was issued to the applicant on 1-8-1992 and the disciplinary proceedings are yet to be concluded. The respondents have justified their action of withholding the result on the ground that as the disciplinary proceedings are pending against the applicant, he is not entitled for the benefit of the selection. Reference may be made to the case of Union of India Vs. P.V. Janakiraman, AIR 1991 (Page 2010), wherein the Supreme Court held that if no charge-sheet has been served before consideration for promotion or selection, disciplinary proceedings started later on will not serve as a bar for promotion. Admittedly, in this case, selection to the post was held in 1988 and the charge-sheet was issued in the year 1992. In other words, there were no charge-sheet issued to the applicant at the time of selection.

5. In view of the legal proposition laid down by Supreme Court in the case of Janakiraman (supra), the ground

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taken by the respondents to withhold the result can not be sustained. In these circumstances, we direct the respondents to declare the result of the applicant and in case he has been found successful, he shall be given the appointment and there being nothing else against the applicant. We do not make any observation regarding the disciplinary proceeding pending against the applicant which obviously will be disposed of in accordance with law. The application is disposed of with directions and observations as above.

6. No order as to the costs..

Adnan Khameer Sheikh
Member (J)

[Signature]
Member (A)

Allahabad
dt. 22-3-93

/smc/