

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 1st day of June, 2001.

Original Application No.321 of 1992.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

Gyan Chandra S/o Sri Bachchan Lal,
Posted as Lower Division Clerk at
Lal Bahadur Shastri National Academy
of Administration (Government of India)
Mussoorie.

(Sri SK Srivastava, Advocate)

. Applicant

Versus

1. Union of India through its Secretary
Ministry of Personnel, Public Grievances
and Pensions Department of Personnel and
Training, Government of India, New Delhi.
2. The Director Lal Bahadur Shastri Academy
of Administration, Mussoorie.
3. The Deputy Director (Sr.) Head Office,
Lal Bahadur Shastri National Academy of
Administration (Government of India),
Mussoorie.
4. Administrative Officer, Lal Bahadur Shastri
National Academy of Administration (Govt. of
India) Mussoorie.

(Sri Amit Sthalekar, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this OA under Section 19 of the Administrative
Tribunals Act, 1985, the applicant has challenged the
orders dated 17-9-1991 and 30-12-1991 by which he had been
punished for reduction in pay scale to the basic level
for a period of three years. It ~~is~~ also ^{provided} ~~prayed~~ that the
applicant will not get any increment during this period
and reduction will have cumulative effect. The order of
disciplinary authority was confirmed by the appellate


authority by order dated 13-12-1991.

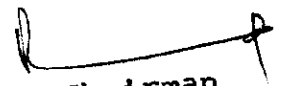
2. The case against the applicant was that while he was serving as Clerk, on 22-3-1991 in the evening he misbehaved with a female co-worker Ms. Arvind Khandari and the applicant gave her beating also. For this misconduct the applicant was put under suspension w.e.f. 22-3-1991 and the disciplinary proceedings were initiated. The Inquiry Officer after enquiry submitted his enquiry report on 30-8-1991. The disciplinary authority agreed with the report and passed punishment as mentioned above.

3. We have perused the impugned orders and the enquiry report. The incident dated 22-3-1991 has been fully established by oral evidence. The employees of the office supported the incident. In the circumstances, we do not find any ground for interference by this Tribunal in so far as the punishment is concerned.

4. The next submission of the counsel for the applicant is that the applicant was promoted on 8-3-1990. A copy of the order has been filed as Annexure-A-3 and the order of punishment was passed on 17-9-1991 in respect of the incident dated 22-3-1991. It is submitted that the applicant was promoted earlier, ^{when} ~~that~~ the incident took place, his promotion cannot be affected by subsequent ^{occurrence} ~~offence~~ and he has been wrongly treated as LDC though in fact he was serving as UDC. We have carefully considered this aspect of the case. However, we do not find force in the submission of the counsel for the applicant. It is clear that the applicant was granted ad hoc promotion on account of the vacancy caused in the post of UDC as Sri Thakur Singh, a permanent Machine Operator was promoted and appointed. As the applicant's promotion was purely ad hoc and ^{an} ~~as~~ a temporary gap arrangement, he could be reverted to his original post on account of the misconduct. Learned counsel for the applicant submitted that the applicant had been

granted permanent promotion as UDC on 17-9-1994 i.e. after period of punishment was over. Learned counsel for the applicant, however, wanted that the applicant's promotion as U.D.C. be treated w.e.f. 08-3-1990. We are of the view that the applicant is not entitled for this declaration. The application is accordingly dismissed having no merits. There shall be no order as to costs.


Member (A)


Vice Chairman

Dube/