

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 12th day of May, 2000.

ORIGINAL APPLICATION NO. 803 of 1992

CORAM : Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. Rafiq Uddin, Member (J)

MES/437437 Shri Govind Kumar, Superintendent, B/R
Grade-II, in the Office of the Commander Works Engineer,
Agra S/o Shri Prithvi Nath R/o 63/A/40, Kirti Nagar,
New Chawli, Near Bakaya Line, Agra-1.

... Applicant.

C/A Shri K.P. Singh

Shri R.C. Katara

Versus

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Engineer-in-Chief, Branch Army Headquarter, New Delhi-II.
3. The Chief Engineer, Engineer's Branch, Head quarter, Central Command, Lucknow-2
4. The Commander Works Engineer, 112, Taj Road Agra Cantt.

... Respondents

C/R Shri Satish Chaturvedi

O R D E R

(Hon'ble Mr. S. Dayal, Member (A))

This application has been filed under Section 19 of Administrative Tribunal Act, 1985 with the prayer for the following reliefs:-

(A) That the Hon'ble Tribunal may be pleased to issue an order or direction or writ in the nature of mandamus, commanding the respondent

No. 1 to 3 to open the sealed cover of the applicant and respondent may further be commanded to promote the applicant to the cadre of Supdt. B/R Grade-I from the date when the juniors are promoted with the privileges of benefits, continuity of service, seniority salary on the post of Supdt., B/R Grade-I and impugned action for sealed cover be declared invalid, inoperative, illegal, without authority.

(B) Issue an order direction or writ in the nature of "Certiorari", quashing the impugned reversion dated 30.06.1987 passed by Respondent No. 3 and communicated vide order dt. 14.03.87 contained in (Annexure No. III) to the application and impugned order keeping the recommendation of departmental promotion committee in a sealed envelope vide impugned order dt. 26 Sept. 1988 containing (Annexure No. VI) to the application and applicant may further be provided all the consequential benefits.

(C) Issue an Order or writ or direction in the nature of Mandamus commanding the respondent No. 2 to pass the suitable order on the representation of the applicant dt. 31.07.1987 forthwith.

(D) Issue an order or writ Appropriate Order or direction that your honour think just and proper under the circumstances of the case, be passed in favour of the applicant and cost of the application be awarded to the applicant.

(E) Cost of the application be awarded to the applicant.

2. The reliefs asked for by the applicant are based on the fact that the Engineer in Chief Army Headquarter while making regular promotion to the cadre of Superintendent B/R grade 1 did not promote the applicant because recommendation regarding the applicant were kept in sealed cover by the departmental promotion committee. The applicant claims that neither the charge memo in the disciplinary proceedings nor chargesheet in the criminal prosecution were issued to the applicant when the departmental promotion committee considered the case of the Superintendent D/R grade 2 to the cadre of Superintendent D/R Grade-1. The applicant represented against his not being promoted and he was informed that the departmental promotion committee recommendation had been kept in sealed cover as the applicant was involved in an disciplinary case. The applicant mentions that the departmental proceedings against the applicant vide chargesheet dated 19.03.1988 has been referred to the Central Vigilance Commission Government of India. The applicant challenged the validity of the departmental proceedings by way of O.A. No. 22/1990 and prayed for stay. The Tribunal stayed the departmental proceedings. Therefore, the applicant claims that the respondents have no authority to keep recommendation of departmental promotion committee in sealed cover.

3. Arguments of Shri K.P. Singh for the applicant and Shri S. Chaturvedi for the respondents have been heard.

4. We find from para 4.(xvi) and 4.(xix) of the O.A. that the meetings of departmental promotion committee for promotion to the cadre of Superintendent D/R Grade I took place on 12.05.1987, 28.05.1987, 06.01.1988 and 06.06.1988. According to applicant's own admission made in paragraph 4.(xxxii) and 4.(xxxiii) the chargesheet was issued to him on 19.03.1988. Thus the chargesheet was issued earlier than the conclusion of the DPC proceedings. Mere stay on the disciplinary proceedings does not lead to conclusion of disciplinary proceedings or elimination of disciplinary proceedings. Hence, the sealed cover proceedings were in order and the relief asked for by the applicant is not admissible.

5. The applicant has sought relief against reversion order dated 14.07.1987 by which the applicant was reverted from Superintendent B/R grade 1 on ad-hoc basis to Superintendent B/R Grade-2. We find that the applicant's promotion was on ad-hoc basis and the order of reversion having been passed on 14.07.1987 and the applicant did not challenge it till this O.A. which was filed on 18.06.1992. Hence, this relief is grossly barred by limitation. The O.A. is, therefore, dismissed as lacking in merits.

No order as to costs.

Rajendra,
Member (J)

A
Member (A)

/S.P./