

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 30th day of October, 2000.

CORAM:-

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. S. Biswas , Member- A.

Original Application No. 1710 of 1994

Mohd. Afzal a/a 60 years, S/o Late Mohd. Harun
R/o 382/433, Buxi Bazar, Allahabad

..... Applicant.

Counsel for the applicant:- Sri H.S. Srivastava

V E R S U S

1. Union of India through the Secretary,
Ministry of Defence (Finance), New Delhi.
 2. The Financial Adviser, Ministry of Defence,
(Finance), New Delhi.
 3. The Controller General of Defence Accounts, West
Block-V, R.K.Puram, New Delhi- 110066.
 4. The Chief Controller of Defence Accounts (Pensions)
Draupadi Ghat, Allahabad.
 5. The Chief Controller of Accounts (Factories)
Calcutta.
- Respondents.

Counsel for the respondents:- Sri R.C. Joshi



O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C)

By this application under section 19 of Administrative Tribunal's Act, 1985 applicant has prayed for a direction to the respondents to promote him in Junior Time Scale of Indian Defence Accounts Services (I.D.A.S) Group 'A' from 05.08.91, the date his junior Nand Kumar was promoted to the post of Senior Account Officer from 01.04. 87 with all financial benefit. Applicant has also claimed interest at the rate of 18% per annum on the amount which may be paid to him as consequential benefits. It is not disputed that applicant was promoted as Senior Account Officer after retirement from the date his juniors were promoted. His pension ^{has been} ~~is~~ also worked out and now he is getting higher pension.

2. It appears that the applicant was arrested by the Police and he was kept in the jail for more than 48 hours and consequently he was deemed to be under suspension. The suspension was however, revoked on 30.09.86. It appears that in 1991 applicant was not considered for the promotion to the post of I.D.A.S. Departmental promotion Committee kept his result in a sealed cover on account of pendency of the criminal case. Sealed cover was opened in 1996 after 9 years and after 3 years of retirement of the applicant. Applicant was given promotion from the date his juniors were promoted with all benefits in the cadre of Senior Account Officer. It has been stated that as vacancies were not available, promotion could not be given to the applicant to the post of I.D.A.S Cadre. It has also been stated that promotion has not been granted to the junior of the applicant for want of vacancies. They were promoted on 05.08.91 which has been denied by the applicant. For this grievance before coming to this Tribunal applicant ^{was} filed a representation before

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Controller General of Defence Account (respondent No. 3).
However, this application has not been decided, though several reminders were given. In our opinion, the ends of justice shall be served if the respondent No. 3 is asked to decide the representation of the applicant by a speaking order within three months from the date a copy of this order is filed before him.

3. It is further made clear that respondent No.3 shall examine all the factual aspects including ^{properly at} ~~property~~ keeping his name under the seale cover which is contrary to rules as no charge-sheet was served in the criminal case, on him.

4. Application is accordingly disposed of subject to aforesaid direction. To avoid delay it shall be open to the applicant to file a fresh application alongwith a copy of this order.

5. There will be no order as to costs.

G. B. ...
Member - A

[Signature]
Vice-Chairman

/Anand/