

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO. 1275 OF 1995

FRIDAY, THIS THE 10TH DAY OF JANUARY, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN  
HON. MAJ GEN K. KSRIVASTAVA, MEMBER (A)

H.S Narula,  
a/a 57 years  
s/o Shri Balwant Singh Narula,  
Presently posted as Staff  
Officer-I (Liaison)  
Headquarters, Central Air Command,  
Air Force, Bamrauli, Allahabad.  
R/o 4A, Jawaharlal Nehru Road,  
Allahabad. ....Applicant.

(By Advocate:-Shri. H.S.Srivastava)

Versus

1. Union of India  
Through Secretary,  
Ministry of Defence  
New Delhi.
2. Engineer-in-chief,  
Army Headquarters,  
DHQ, P.O!Raja Ji Marg,  
Kashmir House,  
New Delhi- 110 011. ... Respondents.

(By Advocate:- Shri G.R.Gupta)

ORDER

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

We have heard Shri H.S.Srivastava, learned counsel  
for the applicant. Shri. G.R.Gupta, learned counsel  
appearing for the respondents.

2. By this O.A applicant has prayed for a direction  
to the respondents to consider the case of the applicant  
and take action for promoting him to the grade of  
Additional Chief Engineer with all consequential benefits.
3. The facts of the case are that applicant after  
he obtained the B.E Degree was appointed as Superintendent  
E/M Grade I in the pay scale of 335-15-485 on 26-7-1961.



Thereafter on selection by Union Public Service Commission he was appointed as Assistant Executive Engineer (Group 'A' post) on 16.11.1963. He was promoted as Executive Engineer on 14-12-1976, as superintending Engineer on 31.5.1988. He was given selection Grade in the Junior Administrative Grade in the pay scale of 4500-150-5700 in May, 1992.

4. The grievance of the applicant is, that the next promotion for which he was entitled to the post of Additional Chief Engineer and in view of/meritorious career he had reasonable and genuine expectation for promotion ~~about~~ <sup>in</sup> the ~~of~~ <sup>his</sup> said ~~post~~ but he was denied. The applicant was superseded by his juniors and he suffered ~~an~~ irreparable loss. ~~and~~ Learned counsel for the applicant has submitted that applicant was down graded in awarding annual entries which were not communicated to him and ultimately which became the basis for denying him promotion as Additional Chief Engineer. The learned counsel has placed reliance on following judgment:-

I Judgment of Hon'ble Supreme Court in case of U.P JAL NIGAM AND OTHERS VERSUS PRABHAT CHANDRA AND OTHERS 1996 SCC(L&S)519

II Judgment of Bombay Bench of this Tribunal in GANGA DHAR RAO VERSUS UNION OF INDIA AND OTHERS 1993(23) ATC 680.

III Judgment of Bombay High Court Nagpur Bench in case of NATHU DHARMEET PADOLE AND ANOTHERS VERSUS COMMISSIONER OF DIVISION, NAGPUR OTHERS 1984(1) SLR 359.

5. Resisting the claim of the applicant counter affidavit has been filed by the respondents wherein it has been stated that the minimum Bench Mark for promotion ~~was~~ 'Very Good', as the applicant could not secured the Bench mark he was not granted promotion as Additional Chief Engineer. It is further



submitted that the applicant was duly considered for promotion to the Grade of Additional Chief Engineer alongwith other officers on 30-11-1995. The DPC was headed by member of Public Service Commission, however, the applicant was not found suitable for selection as he could not secure the minimum bench mark of 'Very Good' as specified in Para 6.3(a)(ii) to the DOPT guideline issued vide O.M dated 10.4.1989. It is further stated that the applicant was involved in a trap case laid down by CBI and was tried for the offence. However <sup>against</sup> the trap report ~~of~~ the applicant was not taken as the basis <sup>not</sup> for selecting to the post of Additional Chief Engineer.

6. We have carefully considered the submissions of the counsel for the parties.

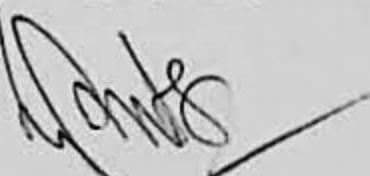
7. It is not disputed that up to the selection grade into junior Administrative Grade, applicant was granted promotion on account of his meritorious service record. However applicant was involved in a criminal case. The trap was laid down by CBI and thereafter he was tried before Special Judge in CBI case. The applicant was acquitted in the criminal case. But it had its effect on the service career of the applicant. The learned counsel for the applicant has submitted that he was never communicated ~~of~~ downgrading/annual entries and that the entire procedure adopted was illegal and contrary to judgments relied on by the applicant. In our opinion for an officer of the rank of the applicant involvement in a criminal case, particularly, a trap case, laid by CBI was such an even that assessment/

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his work and conduct by a superior officers could not remain the same, which is natural reaction on part of the superior officers <sup>even after</sup> ~~in~~ the acquittal in the criminal case. The Hon'ble Supreme Court in several judgement has said in so many words that mere acquittal in a criminal case is not sufficient to exonerate him of all the consequences of being involved in a criminal case. In case of conviction, an employee is dismissed or removed from services <sup>as</sup> If he is acquitted by <sup>an</sup> Appellate Court, the reinstatement is not automatic. It is left to the Disciplinary Authority to assess the entire circumstances and then pass suitable orders. In the present case also, the applicant was involved in a trap case though ~~as~~ he was acquitted he continued in service and ultimately retired. But his involvement in such a serious case by itself had consequences and in view of this applicant was rightly not found fit for promotion. The O.A has no merit and is accordingly dismissed.

No order as to costs.

  
Member (A)

  
Vice Chairman

Madhu/

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O R D E R

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No order as to costs.

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