

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

TUESDAY, THIS THE 1ST DAY OF OCTOBER, 2002

ORIGINAL APPLICATION NO. 1121 OF 2002

HON. MR. S. DAYAL, MEMBER-A

HON. MRS. MEERA CHHIBBER, MEMBER-J

A.K. Gupta,
s/o Shri P.L.Gupta
r/o 2/2 Tazia Kalan(BaraTajia)
Johnston Ganj, Allahabad.
Working presently as ODI M.P. planning
under Sr. Divil. Commercial Manager,
Northern Railway, Allahabad.Applicant.

(By Advocate:- Shri Sudama Ram)

Versus

1. Union of India through General Manager
Northern Railway, Headquarters Office,
Baroda House, New Delhi.
2. Chief Personnel Officer, Northern Railway,
Headquarter Office, Borada House,
New Delhi.
3. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Allahabad.Respondents.

(By Advocate:-Shri A.K.Gaur)

ORDER

HON. MR. S. DAYAL, MEMBER-A

This application has been filed for a direction to respondents No. 1 and 2 to declare the result of the applicant which had been kept in sealed cover due to disciplinary proceedings against the applicant. Further a direction to respondents has been sought for placement of applicant's name in provisional panel and promotion of the applicant with all consequential benefits.

2. The case of the applicant is that he appeared for selection for the post of Assistant Commercial Manager Group-B. He was successful in the written and had appeared & he Viva-voce his name was not included in the provisional panel declared on 16-11-98

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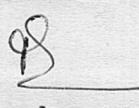
as disciplinary proceedings were pending against him. The disciplinary proceedings were concluded by order of Senior Divisional Manager dated 21-11-98 and the applicant was awarded the penalty of censure. The applicant has sent representations for opening the sealed cover and grant of promotion as the penalty of censure does not bar his promotion.

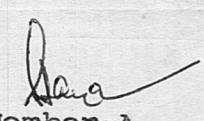
3. We have heard the arguments of Shri Sudama Ram, for the applicant and Shri M.K.Sharma brief holder of Shri A.K.Gaur, for the respondents.

4. Learned counsel for the applicant has referred to the letter of Railway Board No. E(D&A) 92 RG-6-149(A) New Delhi dated 22-1-1993. In note under paragraph 3.9 of the said letter it has been mentioned that if delinquent is given penalty of censure, recovery from pay or stoppage of passes/P.T.O he may be promoted when his promotion was due.

5. The applicant has made several representations. The representation dated 30-10-2000 was forwarded to General Manager (P) Baroda House, New Delhi for declaration of Panel under 70% quota. It is claimed that this as well as other representations of the applicant have not been responded to by the respondents.

6. In the light of the above facts we direct the respondents to consider the representation dated 30-10-2000 within a period of 2 months from the date of receipt of a copy of this order alongwith a copy of the said representation in order to facilitate its consideration by the respondents. They shall fix a ^{date} for ~~speaking~~ ^{order} and communicate the same to the applicant. There shall be no order as to costs.


Member I
mathu/nadhu/
Ran
Ma


Member-A