

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 22nd DAY OF APRIL 2010)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. S.N. Shukla, Member (A)

Original Application No.535 of 2006
(U/S 19, Administrative Tribunal Act, 1985)

B.N. Ram aged about 50 years,
Son of Shri Rajdeo Ram,
Resident of H.No.116/380, Nai Basti,
Rawatpur, Kanpur Nagar.

..... ***Applicant***

By Advocate : Shri Raj Narain, Shri H.K. Gupta
Shri S.P. Singh, Shri R.K. Shukla

Versus

1. Union of India through the Secretary, Ministry of Defence, Deptt. Of Defence Production and Supply. Govt. of India, New Delhi-11.
2. The Secretary, Ordnance Factory Board, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-1.
3. The General Manager, Field Gun Factory, Kalpi Road, Kanpur-9.

..... ***Respondents***

By Advocate : Shri Anil Dwivedi

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Sri Raj Narain, learned counsel for the applicant and Sri Anil Dwivedi, learned counsel for the respondents.

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2. Shri Anil Dwivedi, learned counsel for the respondent invited our attention to the order passed by the competent authority dated 10.09.2005 (Annexure A-2 to the OA). It is clearly observed in the order dated 10.09.2005 of the competent authority that ACP benefit and promotion cannot be given to a person involved in Disciplinary case and in such cases findings of the screening committee/DPC are required to be kept in sealed cover. The applicant is considered to have been involved in disciplinary case w.e.f. 08.05.1997 which is still in train. As such granting of ACP-I w.e.f. 01.10.2001 and promotion to Supervisor w.e.f. 30.06.2003 have become invalid under the existing Govt. order. The finding of the Screening Committee/DPC for granting ACP-I w.e.f. 01.10.2001 and promotion to Supervisor w.e.f. 30.06.2003 to Shri B.N. Ram has rightly been kept in sealed covers because of pendency of the case.

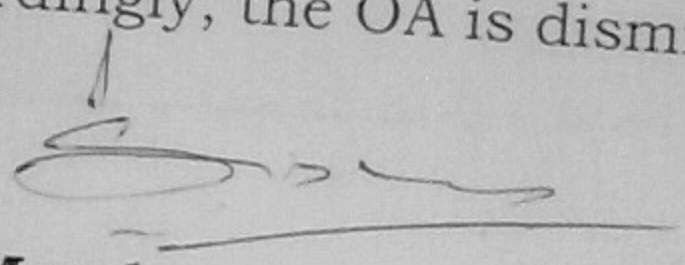
3. We have also carefully noticed that the competent authority has rightly deleted the name of the applicant from the order of promotion and it is clearly specified that the finding of the Screening Committee/DPC vide which the applicant was considered for grant of ACP-I w.e.f. 01.10.2001 and empanelled for promotion to Supervisor are kept in

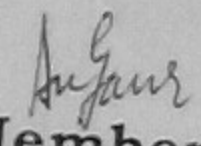
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sealed covers. No illegality could be pointed out by the learned counsel for the applicant in the impugned order.

4. Having heard parties counsel we are fully satisfied that the applicant has utterly failed to make out any case warranting interference in the matter.

5. Accordingly, the OA is dismissed. No costs.


Member-A


Member-J

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