

yes  
Promotion

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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~NEW DELHI~~

O.A. No. 618 of 1988.  
~~Ex No.~~

DATE OF DECISION 7.8.1991

Shri Kanahaiyalal Narayan Sinha Petitioner

Mr. S.I. Nanavati Advocate for the Petitioner(s)

Versus

The Director, C.B.I. Anr. Respondent

Mr. P.M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh .. .. Member (A)

The Hon'ble Mr. R.C. Bhatt .. .. Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *JS*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *h*
4. Whether it needs to be circulated to other Benches of the Tribunal? *h*

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Shri Kanahaiya Narayan Sinha,  
Police Inspector,  
C.B.I./SPE,  
M-5, Block 55,  
407, Shastri Nagar,  
Naranpura,  
Ahmedabad.  
(Advocate - Mr. S.I. Nanavati)

.. Applicant

Versus

1. The Director,  
Central Bureau of Investigation,  
Special Police Establishment,  
Lodhi Estate, C.G.O. Complex,  
New Delhi 110 011.

2. Union of India,  
Through :  
The Secretary,  
Ministry of Home Affairs,  
Kotah House Hutments,  
Delhi.  
(Advocate - Mr. P.M. Raval)

.. Respondents

O.A. No. 618 of 1988

ORAL ORDER

Dated : 7.3.1991

Per : Hon'ble Mr. M.M. Singh .. Member (A)

The applicant, an Inspector in C.B.I./SPE, has filed this original application under section 19 of the Administrative Tribunals Act, 1985 for relief that the respondents be directed to give promotion to the applicant to the post of Deputy Superintendent of Police on regular basis w.e.f. July, 1988 and that he be treated at par with other similarly situated officers who were promoted in 1985.

2. It has been shown to us that the applicant was given ad hoc promotion by order dated 29.1.1985 in which applicant's name figures at serial No. 3 in

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total of 6 officers in favour of whom order of adhoc promotion was issued. The order clearly states that they are appointed to officiate as Dy. Superintendent of Police on purely adhoc basis from the date they take over the charge in the branches indicated against each and until further orders. From the language of the order, it is clear that it was a prospective order to take effect from the date of the applicant's joining at the place he was appointed on such adhoc promotion. As the applicant, on his own showing, did not join for reasons of his personal difficulties, though he submitted one representation after another, the question of giving him benefit alongwith similarly situated officers who were promoted in 1985 cannot arise. The other officers who joined, got the benefits of adhoc promotion from the date they joined. As the applicant did not join though for reasons of his personal difficulty, he <sup>CH</sup> ceased to be similarly situated as compare to the persons who had joined. The part of the prayer that he be treated at par with other similarly situated officers who were given promotion in 1985 is therefore not tenable and cannot be granted.

3. With regard to the main relief of promotion w.e.f. July, 1988, we are shown an order dt. 4.7.1988 at Annexure A-11 by which eleven non-deputationist <sup>H</sup> Inspector~~s~~ of Police were promoted as Deputy Superintendent of Police from the dates they take over the charge in their respective places of posting on promotion. It is <sup>H</sup> the allegation of the applicant that all these eleven persons are junior to him.

4. We have heard Mr. Dhirubhai Patel for Mr. S.I. Nanavati, learned counsel for the applicant. None present for the respondents.


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5. The respondents have filed their reply. The part of the reply connected with the main relief of the application consists of averment to the effect that the departmental promotion committee had held a meeting on 24.6.1988 when the case of the applicant and of others for regular promotion was considered. A disciplinary proceeding was pending against the applicant arising out of R.C. 10/85 - Patna, in view of which the applicant's case for promotion was kept in sealed cover which has not been opened and cannot be opened until the disciplinary proceedings are over.

6. Learned counsel Mr. Patel makes a statement at the bar that the departmental inquiry in question had resulted in award of punishment of censure made by S.P.CBI Patna. This award of censure awarded by S.P. C.B.I., Patna was waived <sup>by</sup> when order dt. 11.8.1989 by the D.I.G., C.B.I., Patna. It is submitted that misc. application was filed by the applicant to bring this order of the D.I.G. and one more document on record in June, 1991. We have noticed that this M.A. has been registered as M.A. Stamp No. 297/91 and has not been placed for hearing. It is submitted by Mr. Patel that this application may be disposed of with a direction to the respondents that in view of the final order in the departmental inquiry against the applicant having already been issued, the respondents should open <sup>the</sup> a sealed cover of the applicant and take necessary action on the recommendation contained in sealed cover which sealed cover <sup>is</sup> is, on the showing of the respondents in their reply, was prepared on 24.6.1988 when the departmental promotion committee had met to consider the case of the applicant and of others.

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7. In view of the above submission of learned counsel for the applicant, we direct respondent No. 1, Director, Central Bureau of Investigation, Special Police Establishment, Lodhi Estate, C.G.O. Complex, New Delhi to open the sealed cover containing recommendation in the case of the applicant made by the Departmental Promotion Committee in the meeting held on 24.6.1988 within a period of three months from the date of issue of this order and take necessary action as per law <sup>and rules</sup> in the matter of recommendation for the further promotion of the applicant in case departmental inquiry arising out of R.C. 10/85 - Patna mentioned in the reply has since been concluded with a final order.

There are no orders as to costs.



( R C Bhatt )  
Member (J)



( M M Singh )  
Member (A)

\*Mogera