



Dr. Krishna Chandra Sagar, IAS  
Aged about 57 years,  
Profession : Government Service  
Residing at Bharat Nivas, Bungalow No.A-22  
K.C.Nagar-I, Ranna park,  
Ahmedabad 380 061  
(Advocate : Mr. R.V. Deshmukh)

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.....Applicant

Versus

1. The State of Gujarat,  
Notice to be served on  
The Chief Secretary to the  
Govt. of Gujarat  
General Administration Dept.  
New Sachivalaya Complex  
Gandhinagar. 382 010(Gujarat)
2. The Union of India,  
Notice to be served on  
The Secretary to Govt. of India  
Ministry of Personnel, Administrative  
Reforms/Public Grievances/Pensions  
New Delhi- 110 001
3. Shri K.D. Buddha, IAS  
Inquiring Authority & Chairman  
Municipal Finance Board  
119/C, Swastik Society, Navrangpura,  
Ahmedabad-380 009
4. The Comptroller & Auditor  
General of India,  
10, Bahadur Shah Zafar Marg,  
New Delhi- 110 002

.....Respondents

ORDER

O.A. 391/89

Date : 14/9/92

Per : Hon'ble Shri N.V. Krishnan  
Vice Chairman

The applicant belongs to the 1961 batch of the I.A.S. of the Gujarat Cadre. He filed this application under section 19 of the Administrative Tribunal Act, 1985 when, he was superseded for promotion

and officers of the 1962 batch of I.A.S. were promoted to the rank of the Additional Chief Secretary, on the ground that certain disciplinary proceedings were pending. He therefore, submitted this application to quash the disciplinary proceedings and pass an order that he is entitled to promotion as Additional Chief Secretary.

2. The respondents have resisted the application on a number of grounds.

3. In the view that we are taking of this case, based on certain fresh submissions made by the applicant today, we do not find it is necessary to go into the pleadings of the parties at any great length.

4. When the case was heard today, the applicant submitted that, in the disciplinary proceedings initiated on the basis of the Annexure A 13 memorandum of charges dated 6/2/86, an order dated 28/5/92 has been passed by the President of India ordering that the disciplinary proceedings be dropped. The applicant has produced for our perusal and record the order No. 106/91 and AVD -1 dated 28th May, 1992 issued by the Departmental of Personnel. A copy of the order is seen to be endorsed to the first respondent. We are therefore, satisfied that this case can now be disposed of by issuing suitable directions to the first respondent.

5. Before that is done, we have to note the submission made by the learned counsel for the respondent No.1 that he has no instruction from his client about the order dated 28/5/92 referred

to above. We can only express our surprise that the learned counsel has not been informed of this important development.

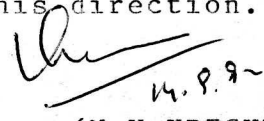
6. We notice from para 6 of the reply filed by the first respondent on 16th December, 1989 that the applicant was considered by the Select Committee for promotion and its recommendation have been placed in a sealed cover, because of the disciplinary proceedings pending against the applicant. Now that the disciplinary proceedings have been dropped, the sealed-cover should be opened and action taken on the recommendation therein, in accordance with the provisions of the law and other instructions.

7. We are therefore, satisfied that there is nothing else to be adjudicated and that the case can be disposed of by issuing suitable directions. Accordingly, we direct the first respondent to open the sealed cover referred to in para 6 of his reply and to consider the applicant's case for promotion in the light of the recommendations made by the Select Committee, in accordance with law and other standing instructions, within one month from the date of receipt of this order and inform the applicant of his final decision within the same period. The application is disposed of with this direction.

  
(R.C. BHATT)

Member (J)

Date : 14/9/92

  
14.9.92  
(N.V. KRISHNAN)

Vice Chairman

Date : 14/9/92

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CAT/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

R.A.No. 20/91  
with  
M.A. 718/89 & 734/89  
in  
O.A. No. 391/89  
~~T.A. No.~~

DATE OF DECISION 30-8-1991.

Dr. K.C. Sagar, Petitioner

Mr. R.V. Deshmukh, Advocate for the Petitioner(s)

Versus

The State of Gujarat & Ors. Respondents

Mr. P.M. Raval & Advocate for the Respondent(s)  
Mr. R.J. Oza

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S.Santhana Krishnan, Judicial Member.

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

MW

(21)

Dr.K.C. Sagar, IAS (Retd.)  
Residing at Bharat Nivas,  
Karmacharinagar-I,  
Rannapark, Ahmedabad-61.

.... Applicant.

Versus.

The State of Gujarat & Ors.

.... Respondents.

R.A.No. 20/91

with

M.A.718/89 & 734/89

in

O.A.No.391/89

Date: 30-8-1991.

Decision by circulation

Per: Hon'ble Mr.M.M. Singh, Administrative Member.

The title of the above review application mentions that it is filed in O.A.No. 391/89.

2. Contrary to the above title, the body of the review application contains averments which indicate that review of our order in M.A.368/90 with M.A.734/89 in O.A.391/89 is sought.

3. The review application is not accompanied by duly sworn affidavit in its support as required by Notification No. A-11019/44/87 dated 26.2.1991 of Government of India (Department of Personnel & Training).

4. The prayer of the applicant is that the averments of the applicant made in M.A. 368/90 in respect of Respondent No.2 & 3 may be allowed and taken on the record as the dismissal order of M.A. 368/91 does not cover them and that in respect of Respondent No.4, our order in M.A. 368/90 reviewed and, to quote from the application "the M.A.No.368/90 may be allowed to be retained on record to be decided at the time of final hearing of the original application No.391 of 1989".


H H J

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5. In our order dated 3.4.1991 we reproduced the final prayer of the applicant in M.A. 368/90 and disposed it off by our reasoned order. The question of averments in the M.A. to be allowed to be taken on record and the M.A. 368/90 to be retained on record to be decided at the time of final hearing of the O.A.No. 391/89 therefore does not arise.

6. The review is therefore rejected.

  
(S. Santhana Krishnan)  
Judicial Member

  
(M.M. Singh)  
Administrative Member