

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 376/91
~~XXXXXXXX~~

DATE OF DECISION 18.6.92

D.P.S. Verma Petitioner

Mr. M.R. Anand Advocate for the Petitioner(s)

Versus

State of Gujarat & Ors. Respondent

Mr. Patel Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.B. Mahajan : Member (A)

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

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 ?

D.P.S. Verma

..... Applicant

Vs.

1. State of Gujarat
Through:
Secretary,
Forest Departments,
Secretariat,
Gandhinagar.
2. Union of India,
Through:
Secretary,
Forest & Environment Department,
Paryavaran Bhavan, C.G.O. Complex,
Lodi Road,
New Delhi
3. Shri P.A. Malvade,
Office of Addl. Chief
Conservator of Forests,
Kothi Annexure Bldg.
Behind Khadi Bhandar,
Raopura,
Baroda.

.... Respondents.

O R A L O R D E R


O.A./376/91

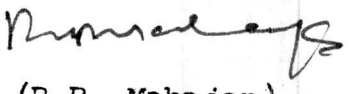
Date: 18.6.92

Per: Hon'ble Mr. B.B. Mahajan) Member (A)

1. Heard Mr. Anand learned counsel for the applicant and Mr. Patel learned counsel for the respondents
2. In this case the applicant was considered by the DPC for promotion to the post of Additional Conservative of Forest on 17.7.1991. The respondents have stated in the reply that it was decided in January 1990 to start disciplinary proceeding against the applicant and the recommendation of the DPC had therefore been kept in sealed cover. Admittedly no charge-sheet had so far been served on the applicant. It is settled law that

disciplinary proceeding are deemed to commence when charge sheet is issued to the Officer. Action of the respondents in placing recommendation ~~on~~ the DPC in the sealed cover when no charge-sheet has been so far issued is ~~clearly~~ ^{clearly} illegal. We therefore allow the application and direct the respondents No. 1 and 2 to ~~open~~ ^{open} the sealed cover, recommendation of the DPC and, if he is find suitable, give him promotion from the date his junior Shri P.A. Malvade was promoted, ~~will~~ ^{with} all consiquential benefits. The respondents to comply with this order within three months. No order as to costs.


(R.C. Bhatt)
Member (J)


(B.B. Mahajan)
Member (A)