

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.165 of 1988.

Date of decision :- April 11, 1990.

Ganeswar Padhi Applicant

Versus.

Union of India and others Respondents

For the Applicant M/s Deepak Misra and
A. Deo, Advocates.

For the Respondents Mr. Tahali Dalai,
A.S.C. (Central)

CORAM :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDL.)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT.

N. SENGUPTA, MEMBER (J). The reliefs that the applicant has prayed for in this application are for a direction to the respondents 1 to 3 to promote him to H.S.G. II with effect from 4.9.1987 on regular basis or from the date on which any of his juniors had got such promotion

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and to pass any other order as may be necessary.

2. To put the facts in brief it may be stated that it is the allegation of the applicant that the respondents 4 to 8 are juniors to him in service. He was entitled to be promoted to H.S.G. II but he did not get the promotion as a disciplinary proceeding was started against him at the stage of promotion to the L.S.G. cadre. Against that disciplinary proceeding, he filed a writ petition which was numbered in the High Court of Orissa as O.J.C.No.1142 of 1979 and that writ petition stood transferred to this Tribunal whereupon it was registered as T.A.No.86 of 1987. In that T.A. this Tribunal passed an order quashing the charges and exonerating the applicant of the allegations levelled against him. This order was passed on 30th October, 1987.

3. The respondents in their counter have practically not disputed the factual allegations in the application but their case is that after the judgment of this Tribunal in T.A.No. 86 of 1987, the regularisation of promotion of the applicant to H.S.G. II was taken up and it is still in progress. As the applicant served under two different Divisions, it has not been possible for the respondents to finalise the matter and that after placing the relevant documents, a review D.P.C. would be called to consider the case of the applicant for promotion to H.S.G. II.

4. We have heard Mr. Deepak Misra for the applicant and Mr. Tahali Dalai for the respondents. In view of the

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allegations in the counter and the submissions made by Mr. Dalai, we find that some action has already been initiated by the department but the progress is rather tardy. After the delivery of the judgment by this Tribunal more than two years have elapsed, it is not understood how the department has not yet been able to get all the relevant papers. However, we would direct that the department should convene ^{all} a review D.P.C., after collecting/ the necessary papers, within two months hence and to promote the applicant on regular basis to H.S.G.II from 4.9.1937 or any other date when any of his juniors was promoted. The consequential service benefits would follow thereafter.

5. The application is accordingly disposed of, leaving the parties to bear their own costs.

..... *R. M. S.* 11.4.90

VICE- CHAIRMAN.

..... *M. S. S.* 11-4-90

MEMBER (JUDICIAL)

