IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, : CUTTACK

ORIGINAL APPLICATION NO:368 OF 1990

Date of decision: July 6,1993.

Shri Sripaty Satapathy ... Applicant

Versus

Union of India and others ... Respondents

(For Instructions)

1. Whether it be referred to the Reporter or not? No

2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

(H.RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)
06 JUL 93

6.7.93

(K.P.ACHARYA)
VICE- CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
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For the Applicant : M/s Devanand Misra,Deepak Misra,R.N.Naik,A.Deo, B.S.Tripathy,Advocates.

For the Respondents : Mr.Aswini K.Misra,Sr. Standing Counsel(Central).

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C O R A M:

THE HONOURABLE MR. K.P.ACHARYA,VICE CHAIRMAN

A N D

THE HONOURABLE MR. H.RAJENDRA PRASAD,MEMBER(ADM)

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J U D G M E N T

K.P.ACHARYA,V.C. In this application under section 19 of the Administrative Tribunals Act,1985,the petitioner prays for a direction to the Opposite Parties to give him promotion to the higher scale of pay in the lower selection grade under the time bound

promotion scheme with effect from 30th November, 1983.

2. According to the petitioner, he has completed 16 years of service on 31st January, 1981 and therefore, the petitioner claims benefit under the Time Bound Promotion Scheme.

3. Counter has been filed in this case and it is maintained by the Opposite Parties that since punishment in a criminal case and in a disciplinary proceeding was in force, the competent authority did not think it just and proper to allow promotion in favour of the petitioner and therefore, rightly it was denied to the petitioner and the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra learned counsel appearing for the petitoner and Mr. Aswini Kumar Mishra learned Standing Counsel for the Opposite Parties.

5. Admittedly the order passed by the competent authority removing the petitioner from service is under challenge before this Bench forming subject matter of an Original Application No. of 199 . In our considered view, we do not propose to pass any orders on the merits of this case due to pendency of the said Original Application. Therefore, justifiability or otherwise in giving promotion to the petitoner under the Time Bound Promotion Scheme would be decided according to the result of

of the said Original Application.

6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

MEMBER (ADMINISTRATIVE)
06 JUL 93

VICE-CHAIRMAN
6.7.93

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
6.7.93.